

## SENATE—Thursday, January 23, 1992

(Legislative day of Friday, January 3, 1992)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Leading the Senate in our supplications and praises to the King of Kings and Lord of Lords will be the Senate Chaplain, the Reverend Dr. Richard C. Halverson. Dr. Halverson, please.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*I will sing of the mercies of the Lord for ever: with my mouth will I make known thy faithfulness to all generations. For I have said, Mercy shall be built up for ever: thy faithfulness shalt thou establish in the very heavens.—Psalm 89:1, 2.*

Faithful, Father God, help the Senators to hear the criticism of people and press, justified or not. If justified, help them to change in ways that will quiet the critic and the cynic. If not justified, help them to prove the criticism wrong. In these critical days for the Nation and the world, may the Senate be part of the solution and not part of the problem.

Dear God, deliver the Senate from everything that prevents its efficient and productive operation. Strengthen integrity, selflessness, servanthood, honesty. Help each Senator to remember his mandate and be true to the responsibility and honor implicit in trustworthy leadership.

In the name of Jesus who, though tempted as we, was without sin. Amen.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the standing order, the majority leader is normally recognized. But under the previous order, the time for the majority leader is reserved.

Under the previous order, the time for the minority leader is reserved.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m.

Under the order entered, the first hour will be under the control of the majority leader or his designee, and the remaining 30 minutes will be equally divided and controlled by the Senator from Michigan [Mr. LEVIN] and the Senator from Kansas [Mr. DOLE].

There will now be a period for the transaction of morning business.

Mr. PRESSLER addressed the Chair. The PRESIDENT pro tempore. Without objection, the Senator from South Dakota [Mr. PRESSLER] will be now recognized.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak for 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## TRIP TO CUBA

Mr. PRESSLER. Mr. President, in December, I made a trip to Cuba. The purpose of the trip was in connection with my duties on the Foreign Relations Committee. I took along a staff member from the Foreign Relations Committee. We visited various parts of Cuba. We toured some of the agricultural areas. We looked at some of the new hotels being put up by Spanish industrialists. We looked at some of the medical facilities, including their biotechnological facilities.

We saw first hand the impact of the shortage of fuel that that country is experiencing. Indeed, on the streets of Havana there are, for the most part, bicycles and very few cars. It is a situation similar to what I saw in Ho Chi Minh City a few years ago when I went back to visit Vietnam, having served in the Army in Vietnam.

It is a country that has severe problems. While there, I stayed with the American Interest Section. The United States does not have an embassy there, but about 30 or 40 Americans who work in the Interest Section, in the same building that used to be the American Embassy. I met with a variety of governmental officials, including a 5½-hour meeting with Fidel Castro, discussing where that country is going and discussing what the future of its people might be.

I hope there is not a bloody revolution in Cuba, but I fear there might be at some point. I hope—and I expressed the hope—that free and fair elections will be held in that country. I made the expression that I hope that human rights will be observed in that country.

During my 5½-hour meeting or dialog with Mr. Castro, I learned that he is very much committed to continuing his course of action. He is the last true believer, so to speak, in socialism, of the order as he sees it, a particular kind of socialism. It is not really Marxism or Leninism, but he sees it as something between Cuban socialism and Swedish socialism. Now he is going into more joint ventures to get foreign capital.

I told him of our concern that there be fair and free elections. I told him of

our concern regarding human rights, and the stories and concerns of particular cases and individuals, that we had heard their rights were being violated. I also met with the head of their new so-called parliament, and I hope it evolves as a parliament.

But the fact of the matter is that it appears that there is very little competition for elections in this parliament. I asked, "How are the campaigns financed?" The chairman said, "It does not cost anything to run for office, because there really are not any campaigns. You just get elected." That meant that they are appointed by the party apparatus, and those really are not elections.

Cuba is a beautiful country, and as I looked at some of the beaches and sugarcane fields and agricultural lands, the cities and towns, I hoped and prayed that this would not become another Romania in the near future.

What can the United States do? Well, first of all, the United States cannot solve all of the problems in the world. Some of these things have to work their way out, as they have done throughout the world. It is my strongest feeling that we should keep the pressure on for fair and free elections, supervised by an international group. We should keep the pressure on for human rights.

Also, some of our planners might consider giving Castro a safe haven in Mexico or a safe haven in Spain. If a safe haven were provided to him perhaps he would leave Cuba. He is in a situation that he almost cannot leave for fear of being killed, and that is the dilemma that a dictator gets himself into after that many years in power. A safe haven would hasten the loosening of Castro's socialist revolutionary shackles on the Cuban people. This might be a way to avoid a bloody destructive final chapter in the Castro era.

I might say that Fidel Castro is a charming host when he has a visiting Senator. I suppose he is not nearly as charming a host if you were in one of his jails. Our talks covered a whole range of things. I found him to be a Cable News Network junkie, as I am.

I found him well read in some of the political philosophy classics. He is also very much interested in what is going on in the United States in our elections, and so forth. I do fear, however, that he is out of step, that he has lost touch with the times. I do fear a bloody revolution occurring in Cuba at some point. I hope that he takes heed and holds a fair and free election. I hope that he takes heed and begins to observe human rights.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an account of my visit with Mr. Castro that appeared in the New York Times and other newspaper reports.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 5, 1991]  
CASTRO, IN TALK WITH U.S. SENATOR, CALLS FUEL CRISIS "THE BIGGEST TEST"

(By Barbara Crossette)

WASHINGTON, December 4.—President Fidel Castro told a visiting United States Senator this week that Cuba was struggling with a fuel and energy crisis that he regarded as "the biggest test of the survival of our revolution."

The Senator, Larry Pressler, a South Dakota Republican and member of the Senate Foreign Relations Committee, said Mr. Castro and his aides told him in a meeting that began Sunday night and stretched over more than five hours into Monday morning that Cuba would receive less than a third of the oil it was expecting from Soviet Union this year. Work on a Soviet-built nuclear power plant, which Cuba planned to open in 1992, has been stalled because the Russian republic is not sending equipment, Mr. Pressler was told.

In Havana, bicycles appear to have replaced most cars on the streets and only about a third of the public buses are operating, Senator Pressler said. Commenting on his four days of travel in the Cuban countryside before he met with Mr. Castro, he said Soviet tractors were in disrepair or broken down for lack of spare parts.

"Havana looked like Ho Chi Minh City, with bicycles all over," the Senator said in an interview by telephone Monday from the Dominican Republic after leaving Cuba. "Castro tried to give it a positive side, saying he thinks this is good for the environment. But the Cubans are running out of fuel."

#### FROM TRACTORS TO OXEN

The Cuban President also said that Havana would replace farm machinery with oxen, a plan Mr. Pressler, a farmer as well as a lawyer, described as impractical, because there are not enough animals available for agriculture on the Cuban scale.

"I said, you're going to be the first country in the world to go from tractors back to oxen," the Senator said. "He said, if we have to do it, we're going to do it."

Mr. Pressler said Mr. Castro added that if Cuba could not overcome the crisis caused by the breakup of the Soviet Union and the loss of Soviet aid and commodities at concessionary prices, "no one in Washington would take us seriously."

In the meeting, which included a late-night dinner, President Castro spoke for the first time to a visiting American about what went on behind closed doors at a Cuban Communist Party congress in October. At that session, the Cuban President made one of his characteristically long speeches in which he called Western democracy "garbage."

The Senator, who had not previously been to Cuba, said President Castro told him that the Communist Party congress had been devoted overwhelmingly to a discussion of "where Marxism-Leninism goes from here." Moves toward democratization were apparently not considered seriously, Mr. Pressler said.

The Cuban leader, speaking in Spanish through an interpreter, argued that his

brand of socialism was never imitative of any other model and that it would go on being unique. He called his new philosophy "socialism with joint ventures." Senator Pressler said. President Castro ruled out elections, saying they could not be held when there was no fuel and the country's economy was on a "war" footing.

The joint ventures Cuban officials are seeking are primarily in the tourist industry, Havana's biggest hope for earning hard currency.

#### SHORTAGES ARE EVERYWHERE

Everywhere there are consumer shortages, Mr. Pressler said, and some seem likely to have an effect on the health of Cubans, especially children. The country is unable to find enough dairy products, he said, because a barter agreement with the former East Germany that brought in milk and other goods in return for Cuban orange juice was lost in the collapse of the regime.

The shortages appear to have affected the Cuban President's life, too, Mr. Pressler said, noting that Mr. Castro seemed to travel with a portable generator to provide light for his late-night sessions.

A doctor was also in attendance at the meeting, in which President Castro talked at length about health and fitness. He told Senator Pressler that he did 30 minutes of exercise a day on a stationary bicycle.

Senator Pressler and his aides steered the discussion toward Cuban relations with the Soviet Union several times. The Senator said that the Cubans seemed most bitter about the Russian republic, which has cut its aid most drastically. Soviet military support is also being reduced, Mr. Castro said, telling the Americans that "a whole era of Russian soldiers and arms in Cuba is probably over."

Asked who Cuba's closest friends were now, Mr. Castro said "no one."

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been noted.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. It is my understanding that, under the order of the day, a certain amount of time has been allocated. I would like to designate myself as that person in control of the time.

I recognize the distinguished Senator from Louisiana.

The PRESIDENT pro tempore. Without objection, the Senator from South Dakota [Mr. DASCHLE] will be the designee of the majority leader in control of time, and the Senator from Louisiana [Mr. BREAUX] is recognized.

Mr. BREAUX. Mr. President, if I could be notified when 7 minutes are up, I think I can conclude in that timeframe. I thank the Senator from South Dakota for yielding.

#### ECONOMIC GROWTH

Mr. BREAUX. Mr. President, the subject of this morning's topic is economic growth. I dare say that is going to be

the subject not only of the hours we have set aside today and the remainder of this week, but probably the entire remainder of this session is going to be devoted to what can this Congress do for economic growth in this country as this country faces a very, very serious recession.

There are many people outside the beltway who are calling on Congress to do something in very desperate pleas, coming to this Congress for us to do something about the economy. It is coming from poor people. It is coming from middle-income people. It is coming from businesses who are in the throes of bankruptcy who are not able to keep their employees. They want us to desperately do something almost to the point of saying "do something even if it is wrong, just please do something." That is the real danger that we in this Congress face, an inclination to try to do something regardless of what it is.

There are a number of provisions which are pending in the Congress, many of which are very good, to try to provide incentives for economic growth for businesses. I will mention investment tax credits, accelerated depreciation, and the capital gains tax cut, of which I am an author, which provides a safety net to protect middle-income and working Americans at the same time. We are talking about doing something on passive losses for real estate. All of these, I suggest, are well-intentioned, and I think many have a great deal of merit. But there is one thing that carries through with the philosophy of those proposals and that is it is based on a trickle-down type of theory. In other words, if you make businesses strong because of passive loss or capital gains or investment tax credits, somehow it is going to trickle down to the people in the middle class, and they are going to find a job and be doing better.

There is some truth to that and some falsehoods to that. We are looking, in addition, to some other proposals dealing with giving increased tax reductions or tax credits for middle-income people with children—\$300 per child, \$400 per child. I am supportive of that concept and that theory.

The problem with those tax credits, however, again, is based on trickle down. If a person does not have a job, he does not have a tax credit, he does not need a tax credit, he is not paying taxes because he does not have a job. He is not paying his bills. He is not paying his health care. He is not paying his housing. This person is in destitute circumstances and any kind of a trickle-down theory is not going to work.

I think we ought to spend a little bit of our time talking about a bubble up theory, if you will, and not just trickle down, something we can do to help the most precious commodity and greatest



natural resource this country has, and that is the people of this country.

I think, Mr. President, that there is a problem there. It is a problem with the way we treat the young people of this country who are seeking an education.

There was an article in the paper recently about the Japanese basically calling Americans lazy, unskilled, unmotivated, untrained, and uneducated, saying that was our problem. Mr. President, the American people are not lazy; they work every day. They do their jobs to the best of their ability. They work on assembly lines, they work in plants, they work on farms, and they work very hard; they are not lazy.

But there is some truth to the point about them being unskilled and untrained to the degree that they should be. We, I think, in this country are really failing in a very serious way those young men and women who are not going to college. We have all kinds of programs for those who are, in fact, going to college. We have student loans, we have scholarships, we have high schools that have tremendous relationships with every college in their States to be able to tell those youngsters exactly how to get into a particular school, whether it is Harvard, Stanford, or LSU, or the University of West Virginia, or Yale, perhaps in Senator LIEBERMAN'S area. But we do not, I think, Mr. President, have the type of connect between the high schools and the millions of youngsters in this country who are not going to college.

Mr. President, I think it is high time that we start investing in that capital, in that natural resource, so that we can have the best trained, the best skilled workers to increase our productivity and generate economic growth.

One of the things that I think we are really missing the boat on is to give hope to those youngsters who are not going to college. Every Member of this body knows stories in their States of inner-city schools as well as rural schools where literally thousands of youngsters are flunking out or getting kicked out or dropping out of high school because they are not doing well in physics or calculus or chemistry or the sciences. These kids become frustrated, they become the problem child in the school, and then they say, "There is nothing in it for me, I am not going to college. Why should I be spending my time taking chemistry; I do not like it? I do not have an interest in it and do not understand."

They just get flunked or are thrown out or quit. They hit the streets with no skill and no training and no ability to go to anyone and say, "Hey, employ me because I am not skilled." What do they do? They turn to drugs and they turn to crime and they create an incredible problem for this country.

I would say, Mr. President, it is now time for us to start doing something

for that vast number of youngsters who are not college bound. We have an education bill on the floor right now.

We have an obligation to design some programs to help those kids. Senator SAM NUNN, from Georgia, and I, and Senator LIEBERMAN is a participant in this, have introduced and will be introducing again a youth apprenticeship program to say to those kids, "Let's try to set up a system that we take the kids in the 8th and 9th grades and expose them to businesses in the areas, take them on field trips and see what is available; then in the 10th and 11th grades have a program where they go to school in the morning, take the basic English, reading, writing, arithmetic, and then in the afternoon they go to the business they have seen and think they have an interest in, and they do an apprenticeship there in the senior year; they divide their time equally between the job training and remainder of their high school so when they graduate as a 12th grader, they get two things: They get a high school diploma and certificate of apprenticeship saying they are skilled in a particular craft and skill. They can be electricians, carpenters, plumbers, or pipefitters, one of the many, many skills we need to run this country. We need to start investing in the future of this country and not just those who are going on to college.

So the youth apprenticeship program is something that Senator NUNN and I will be talking about more as the education bill progresses. I think it is high time we start paying attention to the skilled workers. The future of this country is not going to be on how many computers we can build, but how many young people we can educate. And education is not just college; education is in the skills and the training to do the jobs that are so desperately needed in America. It increases productivity, increases economic growth, and it represents the bubble-up theory and let Government help those who need help the most in this society.

Thank you, Mr. President.

Mr. DASCHLE. I thank the distinguished Senator from Louisiana for his remarks and associate myself with the points that he raises. He makes a very telling case for the position that he has articulated. I appreciate his remarks this morning.

Mr. President, I yield 10 minutes to the Senator from Connecticut [Mr. LIEBERMAN].

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. LIEBERMAN] is recognized for 10 minutes.

#### AN ECONOMIC GROWTH STRATEGY FOR THE NINETIES

Mr. LIEBERMAN. I thank the Chair and I thank my distinguished colleague from South Dakota for yielding the

time and also for organizing this Democratic response to the desperate problem our Nation faces in the economy.

Mr. President, in January 1989, when President Bush took office, the unemployment rate was 5.4 percent. Today, it is over 7.1 percent. Real gross national product during that period of 3 years has grown at a rate of only one-half of 1 percent. And that is the worst rate of any administration since the end of the Second World War. Per capita income has fallen at an annual rate of 0.6 percent, also the worst rate of any administration since the end of the war.

Those are numbers, but those numbers turn into the loss of real jobs by real people. Just 2 days ago, United Technologies, which is clearly one of our State's largest employers, announced that they would be laying off nearly 14,000 workers nationally, 6,400 of them in Connecticut.

Mr. President, this is bad news and it calls for action. And I can tell you, for one, that I do not intend to stand by and have Connecticut become a subcontractor to Japan, Inc.

Mr. President, for those who believe that their own States may be immune from the suffering that is occurring in Connecticut now, I have a warning. Just a few short years ago we were the envy of the Nation. One of the biggest complaints that our business leaders would give me is that they just could not find enough people to fill the jobs that they had. Today, people are literally begging for work.

Economic disaster can happen and, in fact, is happening throughout the United States. Mr. President, the first responsibility of this Congress clearly is to deal with our economic problems. There are many ideas around about how to do that. Some are deep and long term. Others, I think, look more like quick fixes. But we need a lot more than that. Our economy desperately needs a massive, aggressive and long-term Government-business partnership for economic growth.

Awhile ago I heard President Bush say that he did not understand why people were so gloomy, since unemployment during this recession is actually less than it was during the early 1980's. Well, I would suggest to the President, while those numbers may be technically correct, that people are worried across this country that this recession is not just another cyclical slide in which we are going to bounce back to where we were or better. They fear, correctly I am afraid, that unless we take bold, fundamental, governmental action, we are never going to get our standard of living rising again. We are just going to keep slipping because of our structural and our human weaknesses.

That is why it is urgent, I think, to go beyond some of the short-term an-

swers being given and deal with some of those weaknesses—our low rate of investment, our slowness in bringing new products to market, our limited nondefense research and development, the decline in our manufacturing sector, our inadequate education system, our declining work ethic and our lack of coordinated public and private planning and investment.

Now targeted tax incentives are absolutely necessary, in my opinion, to unleash the capital and creativity of the private sector to respond to our economic needs. That has to be a part of a new look at our tax system to promote long-term, patient, low-cost capital for the economic sectors we must have to grow in this country.

But we in Government need to match the targeted tax incentives with a national program of joint planning and action with American businesses which we have for too long left alone to compete with foreign businesses that are much more fully supported by their governments.

To do this, we are going to have to break through some irrelevant ideological barriers so we can do, as a nation, what works. The truth is we never had a pure *laissez-faire* economy in America. Since our founding more than 200 years ago, when Hamilton established the national bank, we have had a mixed economy that relies on market forces as much as possible, but also uses the Government where necessary for economic growth and job creation.

Look at our aerospace and agriculture sectors as the best evidence of this, each the strongest in the world, and both systematically supported over the years by our Government. We urgently need to provide similar support for American companies in the technological manufacturing sectors—sectors that will dominate the world's economy in the decades ahead.

Some of this is happening in hidden corners of our Government—most successfully, and I suppose ironically, in the Department of Defense—but it needs now to be brought out of the shadows and into the center of our national consciousness and purpose.

First, Mr. President, we have to raise a flag for the American people to follow. We have to recognize that some of the Federal agencies charged with stimulating growth need greater visibility and focus. Perhaps we need a national economic growth adviser to the President as we have a national security adviser, or maybe we ought to bring a lot of these economic growth programs under a reorganized and reoriented Department of Commerce, whose name ought to be changed to become what we hope it truly will be, which is a Department of Economic Growth. And the goal of that department would be to transform America's current economics anxieties into behavior that will improve every American's economic future.

We could begin by focusing on the 22 technologies that the White House designated 4 months ago as critical to future economic growth and then walked away from them doing nothing. Investment tax credits will help some businesses and entrepreneurs to exploit these new manufacturing possibilities, but others are going to need low-interest loans or direct Government investment and grants to assure that foreign companies, which are aggressively assisted by their governments, do not make us uncompetitive in these job-creating industries of tomorrow.

Second, Mr. President, I think we have to focus as much as possible on the \$22.5 billion we spend every year at our Federal laboratories toward commercial and industrial product and technology development.

Third, we have to recognize the importance of trade to our economic growth and give our businesses the same kind of aggressive support when they try to export that Asian and European governments give their businesses. That means more and better financing authority for the Export-Import Bank, much tougher market-opening, export-oriented trade negotiations and an expanded foreign commercial service at our embassies around the world armed with a trade promotion agenda.

If it is true that we have gone from the cold war to the trade wars or the economic wars, then we better send some trade and economic soldiers out to represent America more aggressively around the world.

We have to dramatically expand our format for scientific, technical and engineering education and training to assure us of future leadership in this area and create new business-education partnerships.

Finally, we have to go back to the good old American credo and preach it, reminding everybody in this country that this is indeed still a land of unparalleled opportunity and remains so, but it is only there and will only be truly realized by those Americans who are educated, who are trained and, yes, who are prepared to go out there and work hard.

If the White House continues to disparage such practical actions as heretical "industrial policy" and dismiss them as Government improperly "picking winners and losers," then the only true losers are going to be those millions of our fellow Americans who will find their jobs going to countries where governments understand their responsibility to work with and protect domestic business in a modern, competitive, global economy.

I thank the Chair. I thank the Senator from South Dakota and I yield the floor.

Mr. DASCHLE. I thank the distinguished Senator from Connecticut, who is becoming an increasingly forceful

spokesman on many of these economic issues. Many of the points he raised this morning are ones that I hope will be considered carefully as we look at the options we, as Senators, have in dealing with the issues before us, economically. I thank him for his participation this morning.

I yield 10 minutes to the distinguished Senator from Illinois.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. DIXON] is recognized for 10 minutes.

WE NEED A TWO-PART PLAN TO DEAL WITH U.S.

ECONOMIC PROBLEMS

Mr. DIXON. Mr. President, people are hurting. Without strong governmental action, the American people will continue to feel real economic pain.

The American people are feeling pain about not being able to make a house payment; pain about not being able to send a kid back to college; pain about not being able to afford a doctor.

The so-called experts should have listened better to the people of this country, and they should have started listening a long time before now.

Government, business, and American families are all facing crushing debts. Family income for many Americans—even two-income families—has stagnated or not kept up with inflation. More and more Americans worry about their future—and their children's future.

What do we get from the administration now? A President that just does not understand the depth of our economic problems, and what to do about them.

I reject the idea that a see-nothing, do-nothing policy toward this recession will bring back prosperity.

Well, I have listened to the people of Illinois and the United States.

The people need relief now and jobs now.

Mr. President, two kinds of actions are needed. First, we must respond strongly and quickly with a short-term program to get the economy moving again.

I support a middle-class tax cut. It will stimulate the economy while also redressing the unfair tax burden put on the middle class.

We must increase Government spending to rebuild America and create desperately needed jobs. We need to create more programs like the Transportation bill that rebuilds America while creating hundreds of thousands of jobs.

We must provide assistance for first-time homebuyers who have been priced out of the American dream of owning their own home.

Second, we must act on a package of initiatives to deal with our long-term needs. Such a package must be designed to meet our basic economic and trade problems. It must give American workers a level playing field in trade.

I have fought and I will continue to fight for our products and the rights of



our workers to be treated fairly in international trade. We must force Japan and other countries to open their markets to our products.

That is why I will support legislation that forces Japan to reduce its trade deficit with the United States by 20 percent a year for the next 5 years.

That is why I introduced a resolution on Tuesday condemning the Japanese Government for their slandering of the American worker and backsliding on their trade promises.

The package should also emphasize proposals that make us more internationally competitive. It should also give us the kind of strong industrial policy here at home that will better ensure our future economic growth and competitiveness.

This package needs to include education assistance so that the American work force can meet the demands of an increasingly technical and rapidly changing world economy.

It must include universal health care because in a country like ours health care should be a right, and not a privilege.

We need tax policies that stimulate savings and investment in manufacturing, and that promote greater U.S. exports.

We need Government research and development and procurement policies that will help the United States retain and reestablish the technological leadership that has been such an essential feature of the U.S. economy in this century.

These initiatives should not be used as an excuse not to come to grips with the Federal deficit and national debt problems, Mr. President. We cannot afford to continue to let Federal deficits use up American savings that should be used for investments that help create economic growth and enhance our international competitiveness.

There are three approaches that make it possible to do what needs to be done to attack the recession, and begin to come to grips with our underlying trade and economic policies, without putting greater burdens on ordinary working Americans or making our deficit problems worse:

Slashing our defense budget in light of the end of the cold war;

Greater tax fairness, by ensuring that upper income Americans pay their fair share; and

Cost control in low priority domestic programs such as programs providing subsidized water in 11 Western States.

I remain committed to a balanced budget constitutional amendment and the line item veto to help bring more discipline to the spending process.

Mr. President, Americans expect us to deal with the problems they see so clearly. They do not want us to let some economic theory—some ideology—prevent us from acting.

The dreams of Americans who are hurting is much simpler. They want ac-

tion that works. They want to be more secure about their long-term future.

They want to know that their jobs will not disappear, and that their children will be able to find a job. They want jobs they can live on, buy a home on, raise a family on, and educate their children on. They want freedom from the fear that they will be bankrupted by a major illness.

Those are their dreams, and those are the dreams we must set for ourselves. The American people expect Congress to act—and to act now. My colleagues, we must not continue to drag our feet while people are hurting. We must act: not next year, not next session, now.

In the Senate I have fought—and I will continue to fight—for the working people and families of Illinois. This is not a battle that began yesterday. It is a cause that has been at the center of my concern throughout my public life. It is a cause critical to the families and future of my State and our country. They are who I am fighting for in the Senate.

Mr. DASCHLE. I thank the distinguished Senator from Illinois for his splendid statement and his contribution this morning. He has spoken about economic issues on many occasions and each and every time I am impressed with his message and the conviction with which he speaks. Certainly this was no exception this morning.

Mr. President, if he is ready, I yield such time as he may require to the distinguished Senator from Minnesota.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. WELLSTONE] is recognized for such time as he may consume.

#### REAL SOLUTIONS FOR OUR ECONOMY

Mr. WELLSTONE. Mr. President, I thank the Senator from South Dakota for arranging this opportunity for many of us who are concerned about the economy to speak today.

Mr. President, I think that politics in our country has become very concrete. What we call the bread and butter issues have kind of walked into people's living rooms now and are staring them in face, and the economic pain in our country cuts across a very broad section of the population.

What we have in the United States today is a submerged middle class. I look up and see some younger people in the gallery today. We also have on our present course, maybe, as we look at our younger people, a downwardly mobile generation. That would be a historic trauma for the United States, because all of us believe that our children will do better than we have done economically, that they will have more opportunity.

Therefore, Mr. President, I think that anyone—Republican, Democrat, it makes no difference—who engages in any kind of symbolic politics about these issues which are so important to people and their loved ones is making a huge mistake.

People in our country really are expecting us in the U.S. Senate to come through for them in a very concrete and very real way. And I would like to add my voice to those in the U.S. Senate who have emphasized the importance of an investment-led recovery. I think that is so important.

I do not oppose tax cuts for middle-income or working people from the point of view of equity, from the point of view of people who feel the squeeze and deserve some relief. But I do not think it is a very rigorous analysis to suggest that these tax cuts as a matter of fact will be enough, or are the answer, in order to give a short-run stimulus to our economy—much less lead us down the path of long-term productivity.

So I emphasize the importance of an investment-led recovery with investment in two decisive areas—really, in no particular order of importance. They are both equally important.

Investment in physical infrastructure. Let me emphasize today on the floor of the Senate that when we are talking about roads or bridges or repairing water systems or repairing sewer systems or cleaning up the environment, we are not only talking about investment for the sake of "jump-starting the economy." I do not much like that metaphor. We are talking about investment that is important for our country at all times, and clearly has an economic multiplier effect, and absolutely is crucial if we are going to see the economy move forward with some decent jobs for people.

What do I mean by decent jobs? I mean jobs that people can rely on; namely, jobs that pay a decent wage with some decent fringe benefits.

The second kind of investment I want to talk about today is human capital investment. That is kind of a high-faluting way of saying that we will not be strong as a nation until we invest in the people who live in our Nation. Let us get that down to the level of individual men and women and, oh, what a price we have paid for well over a decade of neglect. We have not invested in our young people, and I want to argue that if we are going to have citizens in the United States of America who can compete in an international economy, then we have to talk about women and men who have the skills. We have to talk about a literate, skillful, productive work force. And I think that the vast majority of people in our country know—sometimes I think better than we know—that the new definition of "national security" is going to be whether or not the United States of America can compete economically in the 1990's and in the next century.

So I want to put a lot of emphasis on investment in education and job training and all of the rest as being so terribly important.

Mr. President, I joined with Senator KENNEDY in introducing a piece of leg-

isolation that talked about a \$40 billion short-term stimulus in the remaining months of fiscal year 1992 divided equally between physical infrastructure and human capital investment. I think it is a must.

We can talk about \$170 billion over the next 7 years and that altogether would come from \$210 billion transferred from the military budget.

Let me be clear. Where the money comes from is a question we have to answer. People do not want to see us try and dance at two weddings at the same time and call for investments in physical infrastructure and investment in our people and then when asked, where does the revenue come from, silence. That really is the voodoo economics practiced both by Presidents Reagan and Bush.

We can get the money from one of two ways: Either we can go into more debt—and we should not—or we can raise taxes. If there are going to be taxes for middle and working people, we have to add them to those with high income. The main place we can do it is through a transfer and that is why it is so compelling that an important item of business for all of us is to essentially eliminate that budget agreement, not spend more, but bring down that firewall and transfer some money from the military budget to these domestic needs in a new world.

By the way, \$210 billion over 7 years is really a rather modest cut in the military budget, certainly less than 15 percent.

Mr. President, let me conclude my remarks this way this morning. I want to give a perfect example of why I feel so strongly that we take this action and back our rhetoric with action.

We have an education bill that we have been dealing with, and I think the work of Senator KENNEDY has been very important. But all of us know that it is really barely adequate. We are still not funding nutrition programs for women expecting children. That is what we call human capital investment. We are still not fully funding Head Start. We are not bringing the class sizes down in elementary school, and our younger people still cannot afford higher education.

So later on today I am going to introduce a sense-of-the-Congress resolution to that education bill which says this is fine. But we know that if we are going to back our rhetoric, we are going to have to transfer resources, and the first item of business is going to begin to get at that budget agreement and bring down that firewall.

Mr. President, I thank you for this opportunity to speak. I thank the Senator from South Dakota.

I feel so strongly about these issues. I believe in public service, and I think people in the country are waiting for us to do something good for them. I believe we can do that if we focus on these economic issues.

I yield the remainder of my time.

Mr. DASCHLE. I thank the distinguished Senator from Minnesota for his compelling, very forceful statement. His participation this morning in this colloquy is very much appreciated.

At this time I yield 10 minutes to the distinguished Senator from Arizona.

The PRESIDENT pro tempore. The Senator from Arizona [Mr. DECONCINI] is recognized for 10 minutes.

#### THE ECONOMY AND UNEMPLOYMENT

Mr. DECONCINI. I thank the Chair and I thank my friend from South Dakota and my distinguished colleague from Minnesota for his remarks. I happened to be following them from my office and came over and heard the last of his remarks. I thank him. I also want to compliment the Senator from South Dakota for bringing this before the American public in a very constructive manner.

The intent of this debate is to point out specifically what is wrong in this country. It is easy to point fingers, and it is easy to find scapegoats, but the fact is we have to find a solution. That is not going to be so easy. And if politics plays the dominant role in an attempted solution, we will not do the American public any good. That means that we all must take some blame. I think Congress has to take its share of blame, but I think also in fairness, the President and the Bush administration have turned their backs on the American public and the American economy.

The proposition we heard from the White House sometime ago was that the economy was healthy, and if we waited patiently, full recovery was only around the corner. When the President first vetoed the unemployment compensation bill, he said it was not needed. The recovery was on its way, things were turning around and we were going to do just fine and this country did not need extended benefits.

The second time he said, well, we cannot afford extended unemployment benefits, and he vetoed that one. The first one he failed to enact that he had the right to do through Executive order through declaring it an emergency, he said we did not need it. The second time he said we cannot afford it. We can afford several billion dollars to the then Soviet Union, because it was an emergency, but we cannot afford to help workers in America.

Finally, President Bush did get the message and the Congress stood tall and consistently pushed unemployment benefits and finally the President admitted that the country does need it. I do not look back at that with great criticism. I say congratulations, Mr. President. Sometimes it has taken me one or two times around the corner to come to the conclusion that I made a mistake and I need to change.

I would like to know what has been going on at the White House, however. Is the President getting bad advice? He

was dead wrong, and I doubt whether he really thought it through himself. He relied on staff people, which is only normal, to come up with data and suggestions and they said the recovery is over, we cannot afford it. And then they made the right judgment and changed that position.

Maybe if the President and the White House staff spent a little less time on Air Force 1 and more time with their feet on the ground, they would have a better understanding of what is going on in this country and could really appreciate the hurt that so many people are feeling.

Arizona's latest unemployment figures have just been reported. They are very bleak. They are worse than bleak, in my opinion. They are a disaster for my State. The September jobless rate in Arizona was 5.4 percent. In October it rose to 6.2 percent, and escalated to 7.3 percent in November. We have had all kinds of economic problems in addition to unemployment.

Yesterday the new figures were released showing a December unemployment rate of 8.6 percent. This is the highest and largest increase in a single month since 1975. But now we are really hurting. I know other States are hurting just as bad or even worse.

While Arizona's overall unemployment rate is shocking for this Senator, one county in Arizona has been hit at a rate reminiscent of a Third World country, and that is Yuma County.

Yuma County is on the border of California, along the Colorado River, and the border of Mexico. It is a very lucrative county in the sense that it has great capability through agriculture, through tourism. There are two different military bases there. There are training and experiments going on for private industry, there is a strong community in Yuma and throughout the county and it has prospered over the years. It is a great citrus area that contributes immensely. And if you buy grapefruit in a local store, they are likely to come from Sunkist, which is part of the Yuma Valley that supplies those oranges, grapefruits, and other citrus. Yuma has reported an unemployment rate for December 1991 of 30.9 percent. Nearly one-third of the adult population who want to work cannot find a job in Yuma, AZ.

These statistics do not count those who are underemployed or who have given up hope because they cannot find anything and are no longer registered on the roll.

These are Americans, Mr. President. These are working people. They are not looking for a handout. They are looking for an economic policy from the leadership of this country.

Unemployment is not just numbers, Mr. President. It is people. The human tragedy is widespread throughout Yuma. I am going there in February. I have talked to Councilwoman Young, a



new first-term member, and I asked her what kind of input she is getting from the people who are unemployed.

Let me give you a couple examples. These are real people, not make believe cases as some might attempt to give. She related these to us, two typical cases in Yuma, AZ, if I could indulge this body to listen to a human tragedy, of how the recession has affected these average Americans. In one case, a man was a well-paid financial adviser with a savings and loan which was taken over by the RTC. His branch was closed and he lost his job and retirement benefits, not last week—18 months ago. After 18 months of unsuccessful job searching, he finally found a job as a receptionist.

In another instance, a young couple, both airline pilots, lost their jobs. She lost hers while she was on maternity leave, has not found work, and is prepared to go back to work. And he finally found a job as a used car salesman.

President Bush, do me a favor: Do not turn this country into a Third World country. Guatemala has an unemployment rate of 13 percent. Yuma County, AZ, has an unemployment rate of 30 percent. Uruguay has an unemployment rate of 8.8 percent. Arizona has 8.6 percent. We need some leadership, and we need it now, not just for Yuma but for this entire Nation.

We cannot continue down the road without leadership, and only the White House can bring that leadership.

I believe the Democrats and Republicans in both bodies are willing to work on an economic package that will bring about some real change in this country.

I have reservations, as the Presiding Officer does, about a quick fix, about a tax cut for everybody, making them feel good, and which is politically popular. We need more than that. That may be nice in a whole package, but we need much more than that. We need targeted programs that are going to put people to work. That is what we are talking about.

There are a lot of problems in the country. The gross national product, the real GNP has grown at an annual rate of 0.5 percent during the Bush administration, the worst real growth since the Hoover administration. Per capita GNP has fallen at a rate of 0.6 percent, the worst since the Great Depression. Current unemployment is 7.1 percent; 8.9 million Americans are looking for jobs. And in July 1991, 332,000 out-of-work Americans had exhausted their unemployment benefits. This is the worst record since 1951.

During the Bush administration, real disposable income has increased at an annual rate of 0.4 percent. That is the worst rate for any administration since World War II.

In 1990, real household median income declined an estimated 1.7 percent. We went down in 1990—the first de-

crease in this figure since 1982. And in 1990, the average weekly earnings were \$345.69. This is the lowest real weekly earnings in over 20 years, something of which we cannot be very proud.

Housing starts in 1990 fell to 1.193 million, the lowest since 1983, and a 13-percent drop since 1989. During the Bush administration, real residential construction has fallen at an annual rate of nearly 8.6 percent. This is the worst since this statistic began to be kept in 1961.

I could go on, Mr. President. Many Members have. But let me say that it is time we do something about the economy. And if the President will not do it and if he is going to play politics, we in this body, hopefully with the Republicans by our side, will enact an economic policy which will put America back to work.

Again I want to thank the distinguished Senator from South Dakota for his leadership in this effort and yielding me time this morning.

Mr. DASCHLE. I thank the distinguished Senator from Arizona. He speaks in a passionate and extraordinarily articulate manner for his State and certainly for all of us concerned about the state of the economy today. He is absolutely right; the Nation cries out for leadership. They want that bipartisan leadership that he spoke so eloquently about this morning. I appreciate his cooperation and his participation this morning.

Mr. President, how much time remains?

The PRESIDENT pro tempore. In response to the question, the Chair will state that the Senator from South Dakota [Mr. PRESSLER] earlier today took 10 minutes. That should not have been charged against the leader time. Consequently, the Chair will take the liberty of saying that with that 10 minutes, the Senator from South Dakota has 13 minutes remaining.

Mr. DASCHLE. I thank the Chair for that information.

Mr. President, I yield myself such time as may be required.

The PRESIDENT pro tempore. The Senator is recognized for such time as he may require.

#### EMERGENCY ECONOMIC AID

Mr. DASCHLE. Mr. President, if there is one thing politicians, pollsters, pundits, and people all over this country agree on today, it is that our economy is in serious trouble. My colleagues this morning have addressed various aspects of our economy and the seriousness with which we see the state of our economy today very eloquently and very persuasively. The economy is in long-term trouble, and it is in short-term trouble.

The economy needs emergency help to stop the bleeding. It needs mid-term medication to ease the suffering. And it needs long-term therapy to halt the systemic decline.

There have been a number of Senators far more knowledgeable than I who have offered their insight this morning, and I thank them for their participation. They have offered prescriptions which, if they had been followed over the past decade and a half, would have prevented a lot of pain that Americans are experiencing—for example, the unemployment in Yuma County, AZ, that the Senator so eloquently described.

Today, before we yield the floor, I would like to emphasize what I believe are the two fundamental principles upon which America's free economy has rested in the past, from which it has strayed, and to which it now must return. They are not complex. But a decade of have your cake and eat it too frivolity in Washington and on Wall Street seems to have driven them from our minds.

The first of these principles, frankly, is simple fairness. It is what underpins and legitimizes all else that we do. It is the principle that gave us a progressive tax system, that used to tax the wealthy to do their fair share, and that used to assure the middle class that it would not be asked to do more than its fair share. But that was then. Now, after 10 years of tax reductions for the rich and undeniable greed on the part of some, most Americans consider fairness and the American economy to be contradiction in terms.

There are numerous ways to restore progressivity and justice to the American Tax Code and the economy. If we are serious about curing our economic malady, we had better pick some of our best options and get on with it now because no system that violates the basic middle-class American commitment to fair play can succeed.

The second basic principle that must be incorporated in the plan we craft to rescue ourselves from the spell of voodoo economics is planning and investment for the future.

In days past, we used to run our country and our lives in the belief that hard work and savings were the blueprint for a successful future. Then came the 1980's. A new administration told us that we could party until dawn, spend like crazy, forget the sacrifice of investing in things like our kids, and everything would turn out magically; it would come out just fine.

It sounded too good to be true. Unfortunately, it was.

Our deficits soared. Our growth slowed. The Japanese saved, invested, and planned like we used to, and they blew right by us.

Again, there are numerous ways to restore saving and a longer range view to our economic policy. But we had best pick some soon, even if they cause short-term political pain, because quick fixes or painless panaceas will not do the job. Investment for the future, both public and private, is the

only thing that stands between us and second-class world status in the 21st century.

Simple fairness and investing for the longer term are the guiding principles for an effective antirecession program, and form the basis for policies that can lead our country out of our current economic doldrums—policies like a top tax rate that recovers just a tiny fraction of the unbelievable incomes that have been bestowed upon corporate favorites; like a bit of a break for middle-class families with children; like incentives to the public to save for the future and the foresight of Government to invest in it.

Those are not complex ideas. When viewed closely, I suspect you will find that they are what really lies beneath the policies that have been articulated this morning in a myriad of different ways—policies in which my Democratic colleagues believe, policies that we now propose, policies we hope before the year is up will lie behind the economic policies of this Nation, as well.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been noted. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The time under the control of the majority leader has expired. Under the order previously entered, the remaining time from now until the hour of 11:30 a.m. is to be under the control of Mr. DOLE and Mr. LEVIN.

Mr. LEVIN is recognized for how much time?

Mr. LEVIN. I need about 10 minutes.

The PRESIDENT pro tempore. The Senator from Michigan [Mr. LEVIN] is recognized for 10 minutes.

#### RUNAWAY EXECUTIVE PAY

Mr. LEVIN. Mr. President, there has been a flood of articles in the press in the past few weeks about runaway executive pay in corporate America. While there may be deep divisions along the political spectrum as to how to solve our economic and our health care and our education crises, there appears to be an unusual consensus on the issue of CEO pay.

Most of us agree that there has been unacceptable excess and that the brakes should be applied. Measured against corporate profits, cost-of-living, worker salaries, and the salaries of CEOs in other countries, the pay of American CEOs is exorbitant.

Not only has CEO pay become an issue in and of itself, but it has become a symbol of the deepening discomfort that we are feeling about the values of

our society, the fear that many of us have that the social disruption that we are experiencing is due in part because the rich are indeed getting richer and the rest of us are getting nowhere.

Mr. President, I introduced legislation last June on this issue. The bill number is S. 1198. My bill would permit stockholders of America's corporations to be the watchdogs of executive pay practices. You heard me right. Stockholders right now have no right to have their proposals on executive pay, the pay of executives of their own corporations, heard at annual meetings.

That may be hard to believe, and I am going to go into it in more detail in a moment.

I find it incredible, in a system which is based on capitalist principles, that shareholders of a company do not have a right to at least have a proposal on the pay of their own executives considered by other shareholders.

My bill was the result of a hearing which I held in the Subcommittee on Oversight of Government Management, which I chair, in which we looked at the policies of the Securities and Exchange Commission with regard to executive pay in publicly held corporations. We learned at that hearing that the policies of the SEC place a major roadblock in the way of stockholders having a say in how CEO pay is set within their own corporation. When a stockholder seeks to circulate and present a proposal on CEO pay to other stockholders in his own corporation for consideration at the annual meeting, the SEC routinely advises the corporation that it is not required to permit such a proposal to be considered.

Other proposals would be considered. All you have to do is have signatures of stockholders to get proposals considered at an annual meeting. The rules are laid out for what proposals can get on the proxy statement and what cannot. But if your proposal relates to how the pay of your own executives is set, you cannot get that proposal on the proxy statement for consideration by shareholders.

In every case presented to the SEC in 1990 in which a corporation did not want to circulate such a proposal, the proposals on CEO pay were not allowed to be considered. It is hard to believe in a system that is based on these principles, that the owners of a corporation cannot have a say in how much is going to be paid of their money to the executives of that corporation.

My bill would reverse that SEC policy and allow stockholders at least an advisory say as to how executive pay is going to be set in their own corporation. SEC has refused to budge on this issue, and that is why I introduced this legislation. The SEC should do it themselves. It should not take legislation for the SEC to say: We are going to allow the owners of a corporation to at least voice an advisory opinion on how

their own money is going to be spent. But apparently it does. That is why I have introduced the legislation.

On a related issue, there is a little breakthrough. I was pleased to read a few days ago that the SEC Chairman, Richard Breeden, may actually be realizing the significance of the CEO pay issue by addressing the problem of the inadequate reporting of stock options received by corporate executives. More than 90 percent of America's publicly held corporations pay their top executives, in part, with stock options. Stock options are an opportunity to buy company stock at a set price some time in the future. The person who owns the stock options will actually execute them—in other words, buy the stock—only if the value of the stock in the future exceeds the price of the option, therefore being able to pay for the stock out of the profits of the sale and reaping an immediate sizable gain.

Few companies, by the way, outside of the United States use stock options as a form of executive compensation. But in America, these big payoffs in stock options often mean huge money for corporate executives. In some cases, CEOs have received what have been called "megagrants" of stock options, millions of shares in the form of stock options given to corporate executives. The profits can be tremendous for the executives. Yet it is hidden, for the most part, from the view of the stockholders, often, and from public view, because it is difficult to assign a current value to an option to buy stock in the future at a certain price.

Again, these profits can be tremendous. If, for instance, there is a 50-cent increase in the price of a share, a stock option grant of 4 million shares means a \$2 million gain for that executive.

These stock options are coming under increasing criticism, and they will be the subject of a hearing by my oversight subcommittee a week from tomorrow, on January 31. They are particularly controversial because a company can issue them without taking any charge against company earnings. So companies can issue an option to buy 2 million shares of that company's stock, but there is no charge against the company's earnings. They do not appear on the balance sheet as a liability. They are a freebie in this regard, even though they dilute the value of the shares held by other stockholders and often result in huge profits for the recipients. As a matter of fact, they are more than a freebie, because at the same time that the company does not have to show them as an expense on the balance sheet, it is allowed to report them as an expense on their tax return and to take a tax deduction. And, moreover, as I said, their true cost is hidden often from the stockholders. So it is easy to see why stock options are a mushrooming form of compensation for corporate executives.



My bill, S. 1198, would require the SEC to require publicly held corporations to deduct the value of stock options from company earnings. I am heartened that the Financial Accounting Standards Board, which is scheduled to testify at that hearing we are going to hold a week from Friday, has recently announced a renewed interest in reviewing how to value and treat stock options on a company's financial statement. This renewed interest is not only welcome, it is overdue, since stock options are currently treated as having no value at the time they are granted, which is a fiction that nobody believes. Stock options, when they are sold in the marketplace, have tremendous value. We are aware that if you go to buy a stock option in a company on the New York Stock Exchange, you are going to pay money for that stock option. But when a corporate executive is given a stock option—frequently for millions of shares of that company's stock—it is assigned no value at that time, and that is why this whole process is so misleading and deceptive.

Mr. President, there are a number of other troubling issues involving stock options which we will be discussing at that hearing, including whether they are really pay for performance, as they are touted to be. But the momentum is gathering for action in the area of CEO pay, because while our economy is in trouble—American companies are generally unprofitable, and we have seen a decline in profitability in the 1980's—CEO's are often increasing their pay. That is what we saw in the 1980's. We saw the decline in company profitability and the increase in American CEO pay.

Finally, Mr. President, the effect of this on our competitiveness is obvious. It sours labor-management relations and also creates resentment in the workplace and affects corporate productivity.

Mr. President, I thank the Chair.

#### COMMENDING THE PRESIDENT PRO TEMPORE

Mr. LEVIN. Mr. President, I commend the President pro tempore on his speech given earlier this week, which I thought was extraordinarily perceptive on much of what this economy needs and does not need.

And the speech was a courageous speech that I thought hit the target relative to whether we should be focusing on a middle-income tax cut to get out of our economic doldrums.

We should not be focusing on a tax cut the size they are proposing as a way of getting out of our economic doldrums because they will not do it. The public knows it, and I believe that the President pro tempore's remarks in this regard were highly perceptive and were welcome as just a breath of fresh air across this land. I commend the President pro tempore for that.

As I close I want to also just say hello to our good friend, the Republican leader. He looks in absolutely top health and we are delighted to see him back in such great health.

I yield the floor.

The PRESIDENT pro tempore. The Republican leader, Mr. DOLE.

Mr. DOLE. Under a previous agreement, I think we have 15 minutes.

The PRESIDENT pro tempore. The Republican leader, under the previous agreement, has 10 minutes. He also has his leader time reserved. The Republican leader is recognized for 20 minutes if he wishes.

Mr. DOLE. I thank my friend.

I also thank my friend from Michigan for his kind remarks.

(The remarks of Mr. DOLE pertaining to the submission of Senate Resolution 246 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. DOLE. I yield the floor.

The PRESIDENT pro tempore. Does the Republican leader wish to retain leader time which has been reserved by unanimous consent?

Mr. DOLE. I retain the leader time. My understanding is the Senator from Colorado wishes to speak and also the Senator from California, and if I may, I will yield part of that to those Senators.

The PRESIDENT pro tempore. How much time is yielded to each?

Mr. DOLE. Five minutes.

Mr. BROWN. More than enough.

The PRESIDENT pro tempore. Very well. The Senator from Colorado [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN. I thank the Chair.

(The remarks of Mr. BROWN pertaining to the submission of Senate Resolution 246 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. BROWN. I yield back the time.

Mr. DOLE. Mr. President, I reserve the remainder of my time and suggest the absence of a quorum. I know Senator SEYMOUR is on his way to the floor.

The PRESIDENT pro tempore. Without objection, the remaining time under the previous order is reserved for the Republican leader. The absence of a quorum has been noted and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SEYMOUR. Mr. President, I request that I be permitted 5 minutes to proceed under the minority leader's time.

The PRESIDENT pro tempore. The minority leader has yielded time to the Senator.

(The remarks of Mr. SEYMOUR pertaining to the submission of Senate

Resolution 246 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

#### IN TRIBUTE TO JAMES GROTE

Mr. DODD. Mr. President, I rise today to pay tribute to a man respected and loved throughout Connecticut for his enduring commitment to his community and his truly noble character. James Grote's life ended 100 years after it began in Chester, CT, on January 11, 1992. A good friend to me and to my family, Jim was the son of Italian immigrants and the progenitor of 50 American offspring. At the time of his death, Jim had achieved unparalleled stature in his community. His life was uniquely an American tale, sounding in patriotism and activism, colored by devotion and joy, rich in crusty anecdotes that only a centenarian, who loved life the way Jim did, could harvest. He died celebrated for these enduring qualities and for the countless ways he touched all of our lives.

Jim was the kind of man we all wish lived in our hometown. Though he witnessed a century of American history, saw two world wars, Korea, Vietnam, the Great Depression, Jim never lost his enthusiasm for the promise this country held. Indeed, he believed so much in this promise that a dawn did not break in Chester without Jim, silhouette against the eastern sky, silently raising the Stars and Stripes near his home. Jim learned early the responsibility of living and toiling in an evolving society where a committed citizen could influence change for the good. He was known to have said of his fellows, "Their lives are my business," and thus plainly spoke what became, from his childhood, the guiding philosophy of his life.

The lore in Chester, CT, of which Jim is frequently a central figure, attributes Jim's life-long dedication to fire prevention to an incident that occurred at the turn of the century. Transfixed by the sight of a raging fire, young Jim led a bucket brigade assault on the inferno until it was extinguished. From that moment on, Jim understood his life's work: to introduce a fire department to the town of Chester. Since its inception in 1912, founding father Jim Grote was at the helm of the Chester Fire Department as chief for 46 years and marshal for 69. He held a leadership position in every fire association in Connecticut to which he belonged and rarely missed a meeting. To the very end of his life, Jim stayed on top of his profession, making a habit of brushing up on the latest information relating to fire prevention by enrolling in courses periodically. Ever the pioneer, Jim was quick to recall his prophetic storming of the State capital 50 years ago, pleading the wisdom of installing water sprinkler systems in public buildings and schools.

So integrally connected to the history of Chester is Jim Grote that rarely did anything newsworthy happen in the town without Jim in the thick of it. He was postmaster from 1935 until he retired at the age of 70 at which time he decided he should learn to drive a car. There had been little need for such convenience before, as he had easily managed to walk everywhere. As a leader of the Agricultural-Mechanical Society, Jim ran the Chester fair for 46 years. In his eighties and nineties he acted as town selectman and refused to step down at the request of the Democratic Party, which thought he was too old. "Age is something you shouldn't gamble on," Jim had answered the naysayers, "\*\*\* a man of 25 or 30 might not live out a term any more than a man of 92."

Friend to my family, friend to Chester, friend to Connecticut and as much a hero as any this Nation has produced, Jim Grote's indelible devotion to his hometown and its people died only when he did. We who knew him, learned from him and are grateful for his uncompromising faith in the human spirit. We will not soon forget the man who took no moment for granted and was thus blessed with so many.

#### IN TRIBUTE TO EDWARD A. SUISMAN

Mr. DODD. Mr. President, I rise today to pay tribute to Ed Suisman, a man who was not only one of Connecticut's top business leaders, but a dear friend of mine and my family's for many decades. Throughout his adult life, Ed Suisman showed himself to possess a unique combination of keen business sense and compassion. I am honored to join Ed's family and friends in remembering some of his greatest contributions to both business and Connecticut.

Born to Russian immigrants, Ed carried over much of the Old World values to the new. He was an outstanding member of the Jewish community, serving at various times as president of the Greater Hartford Jewish Federation and the Greater Hartford Jewish Community Center. His deep religious faith and sense of obligation to his fellow man directly influenced many of the generous acts which characterized his life.

Ed and his brother, Samuel, turned their father's business into a very successful scrap metal enterprise known today as Aerospace Metals, Inc. Ed's business expertise and subsequent financial success allowed Ed to follow his charitable instincts. Much of the financial support he bestowed upon the community was channeled through the Suisman Foundation which he established in 1943. Beneficiaries of Ed's good work include Mount Sinai, St. Francis, and Hartford Hospitals, the

Hartford Jewish Community Center, Trinity College, Yale University, and many diverse social service agencies.

Ed's strong commitment to education played an important role in his adult life. A founder of the University of Hartford, Ed sat on the board of trustees under three Connecticut Governors for the University of Connecticut and dedicated himself to improving the quality of our institutions.

A star player on the Yale Basketball team in the early 1920's, Ed pursued his interest in athletics and in his later years was an avid golfer. His pursuit of golf led him to win 16 championships for tournaments at the Tumblebrook Country Club. His name is now included in the greater Hartford hall of fame for Jewish athletes and sports figures, not the least of many accolades honoring his superior gifts, ingenuity, and magnanimous spirit during his lifetime.

The confidante of world leaders and celebrities like Golda Meir and Danny Kaye, Ed set an example to his generation and those to follow. The loss of such a great man is always a sad occasion. It is all the more sad for me and my family because this great man was a close and trusted friend for many years. Mr. President, Ed will be remembered in his community and in our State of Connecticut as a man of great humanity, generosity, and talent. And it is in our memories of him that he will live on.

#### TRIBUTE TO ROSEMARIE NAHRGANG

Mr. COHEN. Mr. President, it is with deep regret that I rise today to mourn the passing of a valued, loyal and longtime Senate employee, Rosemarie Nahrgang.

Rose was taken from us at a very early age. She was just 37 when she died from pneumococcal meningitis January 6 at Howard County Community Hospital in Columbia, MD.

I got to know Rose well while serving as vice chairman of the Senate Select Committee on Intelligence from 1987 to 1991. She worked with minority staff director Jim Dykstra and committee counsel Britt Snyder as part of an efficient, close-knit and very talented team.

Rose was the backbone of the committee support staff—tireless, efficient, and dedicated. She was always reliable, always hard-working and always put everything she had into each task.

If there were reports to be typed or other work that had to get out, Rose was always willing to put in the extra effort needed to get the job done on time and get it done right. She'd been known to grab a few hours sleep on a Hart building couch rather than drive back and forth to her home in Columbia if a deadline was pressing. And even on regular days, Rose was often the

first one in and the last one out, even though she had farther to come than most.

No job was too big or too onerous or too demanding for Rose to complete with skill and precision. I remember one particularly difficult time when, in the earliest stages of the Iran-Contra investigation, the Intelligence Committee was producing a report under heavy deadline pressure. Rose got it out virtually single-handedly. It was done professionally, accurately and quickly, hallmarks of the kind of effort that she always put in.

But Rose was much more than just an exceptionally good staffer. More important, she was a kind and generous person with a quick wit and a ready smile. She clearly loved her work, even on the days when there seemed to be too much of it.

At a gathering of Rose's friends after her funeral, her mother recounted how as a high school student in Rhode Island she had dreamed of going to Washington to work for her Senator, JOHN CHAFEE. Unlike many people who never realize their dreams, Rose was one of the fortunate ones who did succeed in hers. Her mother said that was a memory her family could cherish, and it is one that we will all remember as we grapple with the void Rose left behind.

One of Rose's most distinguishing characteristics was her laugh. The silence now is deafening and will weigh heavily upon us all. To her family, I offer the deepest sympathy from myself and my entire staff.

#### TRIBUTE TO MELVIN CREW PITTS

Mr. HEFLIN. Mr. President, I rise today to pay tribute to the brilliant career of my friend Melvin Crew Pitts upon the occasion of his retirement from Sammons Communications, a cable company operating in Lanett and Valley, AL, and in West Point, GA. Crew, who was a true pioneer in the cable television industry, served as general manager of Sammons for 35 years, during which he witnessed firsthand many remarkable advances in the medium.

Crew Pitts' love of the picture show prompted him to offer local residents movies in their own homes in 1957, when he teamed with L.J. Duncan to form Sammons Communications. When he went door-to-door those many years ago to sell local residents on subscribing to the new concept of cable TV, he had never dreamed of the worldwide, instantaneous communication now available. At that time, the idea behind the experimental cable system was, "If people quit going to the movies, bring the movies into their homes by wire."

Although a tough sell in the beginning, Crew stuck by the task until the cable television system known as Sammons Communications became the third such system in Alabama and the



first to serve Georgia. Since its opening, Sammons' expansion has consistently been ahead of its time. Not only was it among the first in Alabama and ahead of Georgia, it was one of the first to include five channels. By the early 1970's, the system brought in 12 channels, while most other early systems had only three. Crew has credited the medium of television for capturing the imagination of the American people more so than any other invention except for the automobile, and has said the public has only begun to see what cable can do.

Crew said that the future of cable holds the promises of instantaneous communication throughout the world that can be printed from a screen; instant access to information stored on video in libraries, and meter-reading.

In addition to having served as general manager of Sammons Communications, Crew was president of the Alabama Cable Association; held two terms on the Southern Cable Association's board of directors; and currently sits on the executive board of the Boy Scouts of America. The Alabama Broadcasters and Chamber of Commerce each named him its Citizen of the Year.

Mr. President, I congratulate and commend Crew Pitts for his pioneering and visionary work in the cable industry. In a year when Time magazine honored media mogul Ted Turner and his numerous communications enterprises as having had a greater impact on the world in 1991 than any other person or event, Crew Pitts can be proud that he contributed so much to the industry that we know and depend upon today. I wish Crew and his wife Helen all the best for a long, happy, and healthy retirement.

#### TRIBUTE TO DOROTHY VREDENBURGH BUSH

Mr. HEFLIN. Mr. President, we were saddened late last year by the death of Dorothy Bush, long-time secretary of the Democratic National Committee and legend in Democratic Party politics. She was well-known in political circles across the country for calling the roll of States and keeping the vote count that led to the nomination of every Democratic Presidential ticket from Roosevelt-Truman in 1944 to Dukakis-Bentsen in 1988. She served under 17 national party chairmen, 9 national convention chairs, and through the administrations of 10 U.S. Presidents.

Originally from the State of Mississippi, Dorothy Bush moved to Birmingham, AL, in 1937 to take a job as secretary to the director of insurance for Tennessee Coal, Iron, and Railroad/U.S. Steel. She later married Peter Vredenburg III, namesake of the small Monroe County, AL, town where they lived for a time. Six years after

his death in 1956, she wed the Honorable John W. Bush, a former Chairman of the Interstate Commerce Commission, and relocated to Florida.

In Alabama, Dorothy was active with the Young Democratic Clubs of America, which she served for 9 years as national committeewoman. At the Young Democrats National Convention in Louisville, KY, Dorothy served as assistant secretary. She went on to complete 5 years as the national organization's vice president and was the only woman to hold the office of acting president.

Appointed national party secretary in 1944, she was the first woman and, at 27, the youngest individual in either party to ever hold the office. She continued to call the roll of the States as the permanent secretary at each of the succeeding national conventions.

As current Democratic Party Chairman Ron Brown said after her death, "Mrs. Bush \* \* \* showed an unending commitment to the party and Democrats across the country." Indeed, her work took her all over the Nation for meetings, speeches, fundraising events, and campaigns. She traveled with Lyndon Johnson on his vice presidential train in 1960; was a White House coordinator for the "Lady Bird Special" train trip through Southern States in 1964; and campaigned in 1976 aboard the Carter-Mondale "Democratic Whistle-stop" train. As cochair of the National Party Advisory Committee on Senior Issues, Secretary Bush joined Senator Claude Pepper in 1983 and 1984 at rallies to promote the interests of senior citizens.

As her former assistant for many years has said, Dorothy Bush became an American institution, and was the unchanging sensibility and continuity in a party that has, over the decades she served, witnessed enormous change. Fans of Democratic Party conventions always looked forward to the rollcall of the States, for they knew the caller would be Dorothy Vredenburg Bush, with her unmistakable Mississippi accent and natural poise. When the party convenes in New York this summer to nominate the next President of the United States, these fans will, regrettably and sadly, witness one more change, one that we never wanted to see: For the first time in 48 years, Dorothy Bush will not be there at the podium to call the roll of States.

Mr. President, I am proud that the Young Democrats of Alabama saw fit to share Dorothy's extraordinary talents and uncommon commitment to our party's principles with the rest of the Nation. I extend my sincerest condolences to Mrs. Bush's family, and ask unanimous consent that an article from the Washington Post on her life and career be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### THE LAST ROLL CALL: DOROTHY BUSH, DEMOCRATS' DEN MOTHER

(By Sandra P. Perlmutter)

Even when the outcome was wholly predictable, fans of Democratic Party conventions looked forward to the roll call of the states. Who could resist? From the first syllable of "Al-a-BAM-a," you knew the caller of the roll was Dorothy Vredenburg Bush. She had been around American politics for as long as most Americans can remember American politics. She had been around politics longer than Richard Nixon.

The comparison with Nixon ends right there, though. Dorothy Bush, who died just before Christmas at age 75, was loved by the party she served; she represented (and now I'm speaking as a loyal Democrat) all its best traditions. At the risk of seeming overly sentimental, she also represented a time when politics was a lot more fun.

During the past 20 years or so, the major party conventions have not been great prime-time entertainment (though they have had to endure such distractions as, in 1972, whether or not the states should be called alphabetically). Dorothy Bush, who first stepped onto a convention podium at age 27, remembered when it was. As secretary of the Democratic National Committee from 1944 until 1989, she counted convention delegate votes for Franklin D. Roosevelt, Harry Truman, Adlai Stevenson, John Kennedy, Lyndon Johnson, Hubert Humphrey, George McGovern, Jimmy Carter, Walter Mondale and Michael Dukakis. More than that, she watched the TV cameras descend for the first time on our national leaders and saw what that did to the politics we once had. Baby boomers grew up watching the image of conventions change from spontaneity to choreography; Dorothy Bush watched it all from the podium.

With her Mississippi accent, her unflinching poise, she became an American institution—the unchanging sensibility in a party that has witnessed enormous change, someone who could link Dukakis to Roosevelt, demure chats in an "anchor booth" to angry floor fights.

We often talked about what an extraordinary experience it was. She'd become active in a world where women were just beginning to stake their claim, a system where political decisions were usually made behind closed doors. As the party's record-keeper, she often found herself fighting a process that was jealous of its male prerogatives and reluctant to cede a larger role to a mere woman. Even her appearance was once a source of conversation. "Republicans accuse Democrats of pin-up tactics," one long ago newspaper account read. "Blue-eyed, leggy Dorothy Vredenburg has been appointed secretary of the Democratic National Committee."

I came to work as her assistant in late 1976. Before the interview, I gave myself a cram course—trying to learn, for starters, the names of 350 DNC members. I even tried to teach myself the nuances of the party charter and bylaws. In our first conversation, I dropped the names of some obscure committee members and referred to some party rules. That did not seem to impress her; it was taken for granted that I would know such stuff. Somehow, though, this elegant woman and I hit it off.

The DNC office on Massachusetts Avenue was awfully quiet then. Robert Strauss, who'd been the party chairman, was about to take a job with the Carter White House—the Democrats had elected a president of their own. But the stillness did not bother me. I

felt that I was working for a legend. In the years since, I was never able to call her anything but Mrs. Bush.

Sometimes we talked about the changes that she'd seen—"They keep me on my toes," was how she put it in her prim way. She remembered in particular the excitement in 1952, "when we were told the convention would be televised. I wonder if those TV executives really knew what they are getting into."

Dorothy Bush probably never imagined that we would look upon those conventions with a kind of nostalgia. That was a time when it seemed that anything could happen, even if it rarely did. A convention floor in the 1950s was filled with odd caucuses and shouting matches and florid oratory in behalf of any number of favorite sons. When some of this got out of hand, we were especially glad to have Dorothy Bush on the podium. She was at such moments the Democrats' den mother. She became the Democrats' institutional memory.

She was impressed by our state-of-the-art voting system, which we tried for the first time in San Francisco. "When I took office years back, it used to take forever to count those votes," she told me. "Sometimes we would be up all night. I sat on the podium watching delegates falling asleep in their seats."

Now and then, I saw how difficult it could be for her—in 1980, for example. It was no picnic being the keeper of party archives and records when a sitting president was being challenged for the party's nomination by an influential member of the U.S. Senate. Numerous challenges were being filled on procedural matters and the interpretation of delegate selection rules seemed to be changing daily by representatives of the Jimmy Carter and Edward Kennedy campaigns.

Dorothy Bush, though, stood firm in her commitment to keep the doors of our office open and the exchange of information available to both camps. Sometimes, the pressure became intense. "My office is here to serve all Democrats," she used to say. "There are no special constituencies, there are no special candidates and there are no special favors." Such words sound almost banal in the 1990s, but she meant them.

By the time of the Atlanta convention in 1988, many observers believed it was to be her last one as party secretary; and, indeed, in the summer of 1989, she decided to retire. Her legendary neutrality failed her then, as she urged the party—unsuccessfully, as it turned out—to elect me as the next DNC secretary.

We were a team in Atlanta—as we had been for the previous two conventions; she was always generous to me, and never more so than in allowing me to share her moment in the national spotlight. She called the names of the states and I repeated the responses. ("Pennsylvania casts 19 votes for Walter Mondale...")

When I think of her—and the party that knew her—I think of the Atlanta convention. For her, it was the end of a journey that had begun in Chicago, when FDR was nominated for a fourth time. In Atlanta, the hall was filled with women, blacks and other minorities—a different America. Dorothy Bush, of course, had helped that change; she was an historic part of it.

It was a convention like other present-day conventions: no mystery, few disputes, forgotten intrigues—discussions might center on matters no more consequential than whether Dukakis would be able to emote. Still, space was tight, credentials were

scarce and tempers flared. And Dorothy Bush never faltered.

After a film in her honor was shown, she stepped to the podium to say a few words, concluding this way: "And now I'm just going to take a moment to throw a great big kiss and a hug to all my friends who couldn't get to Atlanta for the convention, and if they got here, they probably couldn't get in... So, hello, friends wherever you are."

Goodbye, Mrs. Bush.

#### MIKE ADRAI LEGACY LIVES ON

Mr. LEVIN. Mr. President, I rise to note the passing of Mike Adrai, a man whose considerable success in business was exceeded only by his success as a friend to thousands of children over his very productive life.

From across the region the good deeds of this man have been remembered: The hundreds of baseball and softball teams that Mike sponsored, providing uniforms and other support, each year since the early 1960's, the hockey team sponsorships that began in the 1970's, and the scholarship programs. Among the big-leaguers who got their start on Adrai-sponsored summer teams were Jim Abbott, Orel Hershisier, Bob Welch, Barry Larkin, and Chris Sabo.

But perhaps we will never know the extent of Mike's generosity. Even now, as reporters informed us in stories about his death, "Dearborn abounds with stories of Adrai quietly helping pay for a young person's education, or lending a hand to those down on their luck."

From humble beginnings to owning one of the region's leading appliance retail operations, Mike Adrai believed it was a journey other young people could make, especially if inspired by the discipline and teamwork of athletics.

The scientist Albert Einstein once warned, "Try not to become a man of success, but rather try to become a man of value." In Mike Adrai, we had both, and we will miss him.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, morning business is closed.

#### STRENGTHENING EDUCATION FOR AMERICAN FAMILIES ACT

The PRESIDENT pro tempore. The Senate will resume consideration of S. 2, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2) to provide the achievement of national education goals, to establish a National Council on Education Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Cochran amendment No. 1471, to provide grants to eligible recipients on behalf of communities to develop innovative elementary and secondary schools ("New American Schools").

AMENDMENT NO. 1471

The PRESIDENT pro tempore. The pending question is on the amendment by Mr. COCHRAN of Mississippi, amendment No. 1471, on which there is to be 30 minutes of debate.

Who yields time?

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, may I inquire of the Chair the pending business before the Senate.

The PRESIDENT pro tempore. The pending business is S. 2. The pending question is the amendment by the Senator from Mississippi [Mr. COCHRAN] on which there is a 30-minute time limit.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume under the order.

Mr. President, while Senator KENNEDY is coming to the floor, I might just say that we have tentatively reached an agreement that is now being discussed with interested Senators to be sure no one has any problem with it. The agreement resolves disagreement on the amendment referred to as the Cochran amendment on New American Schools. I am hoping that within the next few minutes we will be able to make an announcement to the Senate on the disposition of the agreement, and I make this statement for the information of all Senators.

I now suggest the absence of a quorum and ask that the time be charged evenly to both sides.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. Is there objection to the request with respect to the charging of time?

The Chair hears no objection. The time will be charged against both sides.

The absence of a quorum has been noted, the clerk will call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, what is the present parliamentary situation?

The PRESIDENT pro tempore. The Senate is presently considering S. 2, and the pending question is amendment No. 1471 by Mr. COCHRAN of Mississippi on which there is a 30-minute time limit.

Mr. BUMPERS. Who controls the time on this side of the aisle, Mr. President?

The PRESIDENT pro tempore. Mr. KENNEDY.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be allowed to



speak for 3 minutes. Perhaps the Senator from Minnesota is filling in for Senator KENNEDY?

Mr. WELLSTONE. Mr. President, we would grant to the Senator from Arkansas as much time as he wishes—3 minutes.

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. BUMPERS] is recognized for such time as he may require under the limitation of time.

Mr. BUMPERS. I thank the Chair and the Senator from Minnesota for his generosity.

I came over here to speak in opposition to the Cochran amendment. I had studied it carefully and visited with the Secretary of Education last week about it. He made a very compelling argument in favor of it.

At the time I discussed it with the Secretary, I was not nearly as knowledgeable about the concept as I later became. But the point I want to make is I came over here with the intention of voting against the Cochran amendment, not because I did not think it had some merit but because I think it went too far and cost too much money for the goal, a very laudable goal, I might add, that was intended.

The \$535 million for so-called break-the-mold schools, in my opinion, would have been excessive. We simply do not need 535 experiments in this country, at that cost, to find out what we have been doing wrong and what we need to do right.

I am told by Senator COCHRAN, as I came on the floor, that there is now in the works a compromise proposal which I think most of the Members would be much more comfortable with. And the idea is that we will tap into 25 percent.

Incidentally, I sit on the HHS Subcommittee on Appropriations and last year we appropriated \$100 million for this whole new school concept, subject to authorization. Senator COCHRAN tells me it is the intention of the compromise to do precisely that and tap into 25 percent of that \$100 million to accomplish this purpose.

I am ready to conclude my remarks, Mr. President, by simply saying I am gratified that the managers of the bill on both sides have reached this understanding or are about to reach this understanding because I think both the taxpayers and the children of the country are going to be huge beneficiaries of the compromise.

I might take this opportunity to say to my distinguished colleague from Massachusetts that he has done a magnificent job of presenting this bill both in the Senate and certainly in the caucus. I think S. 2 has some initiative in it that we have all been looking forward to.

We all know that education is right at the top of the agenda for all Americans and that does not exclude Congress. People here know that one of the

problems we are having in this country is jobs require skills and those skills are going to be in greater demand in the future. If this country does not do a better job of producing a better work force—that is, a more enlightened and educated work force—we are not going to catch up to Japan and Germany in the technological fields. We are not going to become more competitive. What we are going to do, Mr. President, is create a huge pool of unemployables in this country.

Obviously, there will always be those service jobs, minimum wage jobs for people who have no other skills. But that is not the kind of Nation we want to be. The whole thrust of S. 2 is to move this country out of the doldrums and our own, what shall I say, our own low esteem of what we have been doing into a brighter future, and one that will give the American people hope that we are going to educate our children for the jobs around the turn of the century which require college education, technological skills; that we are going to educate the children of this country so they will be prepared to take those jobs and, as I say, not create this tremendous or allow this tremendous pool of unemployed.

Even the service industry is not going to grow anything like the rate of the technological jobs in this country.

So I think this is a good beginning. I applaud the Senator from Massachusetts and his committee for the work they have done on this. I applaud the Senator from Mississippi and the Secretary of Education for their initiative and their creativeness.

As I say, my primary objection was to cost. We do not need 535 experiments. I think this compromise, as I understand it, is a very healthy one.

Mr. President, I yield to the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the pending amendment be withdrawn and that I be permitted to send another amendment in its place to the desk for immediate consideration.

The PRESIDENT pro tempore. Is there objection? Hearing no objection, the request is granted.

The amendment (No. 1471) was withdrawn.

#### AMENDMENT NO. 1473

(Purpose: To establish new waiver authority for New American Schools within the Neighborhood Schools Improvement Act, and for other purposes)

The PRESIDENT pro tempore. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. KENNEDY, proposes an amendment numbered 1473.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, further reading will be dispensed with.

The amendment is as follows:

On page 32, line 17, strike "205, to" and insert "205."

On page 32, strike lines 18 through 23.

On page 33, line 23, strike "State" and insert "chief State school officer, in consultation with the Governor."

On page 34, beginning with line 14, strike all through line 16 and insert the following: are designed to improve student achievement in the public schools.

(C) ADDITIONAL WAIVER AUTHORITY FOR NEW AMERICAN SCHOOLS.—A chief State school officer, in consultation with the Governor, may submit an application to the Secretary for an additional waiver of the requirements of subparagraph (A). Under such waiver, the Secretary may permit such State educational agency to expend not to exceed an additional 15 percent of the funds received under this title for the establishment of New American Schools in accordance with subparagraph (D).

(D) SPECIAL REQUIREMENTS.—An application for a waiver under subparagraph (C), shall—

(i) include procedures for the consideration of applications for schools which have—

(I) adopted the National Education Goals;

(II) established and implemented a community-wide strategy for achieving those goals; (III) developed a "report-card" for measuring and reporting to the public, at least once each year, the progress toward achievement of the goals; and

(IV) demonstrated a willingness and commitment to make substantial improvements in the education of children in the community; and

(ii) give priority in awarding grants to eligible recipients serving communities with high concentrations of educationally disadvantaged children and children from low-income families.

(E) SPECIAL RULE.—Any new public school established under this title shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations and shall not be affiliated with a nonpublic sectarian school or religious institution.

#### SEC. 203. STATE APPLICATION.

On page 57, between lines 7 and 8, insert the following:

(5) the term "New American School" means an elementary or secondary public school that—

(A) is under the authority of a State educational agency or a local educational agency;

(B) reflects the best available knowledge regarding teaching and learning for all students;

(C) uses the highest quality instructional materials and technologies; and

(D) is designed to meet the National Education Goals as well as the particular needs of the students and community served by such school.

On page 57, line 8, strike "(4)" and insert "(6)".

On page 57, line 13, strike "(5)" and insert "(7)".

On page 57, line 17, strike "(6)" and insert "(8)".

On page 57, line 21, strike "(7)" and insert "(9)".

On page 57, line 23, strike "(8)" and insert "(10)".

On page 58, line 1, strike "(9)" and insert "(11)".

On page 58, line 4, strike "(10)" and insert "(12)".

Mr. COCHRAN. Mr. President, I yield myself such time under the order as I may consume.

The PRESIDENT pro tempore. The Senator may use as much time as he may consume.

Mr. COCHRAN. Mr. President, very briefly, let me say this substitute amendment is the amendment that has now been agreed upon by the managers of the bill. The Secretary of Education has indicated his approval of this modified amendment, and we are prepared to recommend to the Senate that Senators support the amendment.

We think the differences that existed regarding the administrative procedures and the way in which this new program would be administered, have been resolved.

A compromise has been developed which I think will give parents, students, and communities a voice in education.

The compromise allows up to 25 percent of the Neighborhood Schools Improvement Act block grant in S. 2 to be used for New American Schools, if the Governor and chief State school officer decide to apply for a waiver for this purpose.

In the first year after enactment, funds will be used to plan a statewide strategy for reform, which may include planning for a New American Schools grant competition within the State.

In the second year, States may opt to apply for a waiver to spend 10 percent of their block grant funds for activities such as teacher training and professional development of teachers and school leaders, public school choice programs, activities developed in conjunction with local education agencies designed to improve student achievement, or the establishment of new public schools, which may include New American Schools.

States choosing to offer communities a chance to compete for a New American School may apply for a waiver of an additional 15 percent for this purpose. Applicants for a New American School must adopt the National Education Goals, establish and implement a community wide strategy for achievement of the goals, and assess and report progress toward meeting the goals. Priority is given to those applicants serving educationally disadvantaged and low-income students.

In granting the waiver, the Secretary may prescribe other elements of the New American Schools.

Mr. President, I ask unanimous consent that a summary of the agreement on the New American Schools be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

#### SUMMARY OF AGREEMENT ON NEW AMERICAN SCHOOLS

1. Specific changes within the S. 2 block grant which relate to this agreement are:

A. With specified exceptions, a State's use of initial year funding will be focused on statewide planning activities. These planning activities will include planning for comprehensive statewide education reform, including any activities for which a State intends to seek waiver authority.

B. In the second and subsequent fiscal years, the Chief State School Officer, in consultation with the Governor, may apply to the Secretary of Education for a waiver that would allow a portion of a State's grant to be used for specified activities as follows:

(1) A waiver of up to 10 percent of the allotment to be used for activities such as the establishment of new public schools (i.e. Essential Schools, Accelerated Schools, New American Schools, charter schools, Comer Schools, and Schools of the 21st Century), teacher training and professional development for teachers and school leaders, public school choice programs, and activities developed in conjunction with local education agencies designed to improve student achievement.

(2) A waiver of up to 15 percent of the allotment to be used only for the establishment of New American Schools. New American Schools are defined in the bill as schools under the authority of a state education agency or a local education agency that adopt the National Education Goals, establish and implement a community-wide strategy for achievement of the goals, and assess and report progress toward the goals. A State in reviewing applications for New American Schools must afford a priority to applicants serving educationally disadvantaged and low-income students.

C. The Chief State School Officer, in consultation with the Governor, may apply for either or both of these waivers. In the case of New American Schools, a combined waiver authority of 25 percent of the State allotment is permitted. The Secretary in reviewing requests for waivers has the authority to establish criteria to ensure that the designs solicited for New American Schools are truly innovative ("break the mold") and hold promise for dramatic improvement and educational achievement.

Mr. COCHRAN. Mr. President, let me very briefly say that, instead of a separate title to the bill that the committee reported, we have now folded the New American Schools Program into the committee bill and permitted the Governors of each State to obtain up to 25 percent of the funds that would otherwise be available under this block grant for New American Schools programs. That is the essence of the amendment.

We appreciate very much the efforts that the chairman of the committee, Senator KENNEDY, made to help get this agreement put together so that we could have a program for New American Schools in this bill.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I think the Senator from Mississippi requests a rollcall vote. I am glad to do it either on voice vote or rollcall vote.

Mr. COCHRAN. Mr. President, if the Senator has yielded, there has been a request that we proceed to a rollcall vote as prescribed. I ask for the yeas and nays.

Mr. KENNEDY. Mr. President, I ask if it is in order to ask for the yeas and nays at this time.

The PRESIDENT pro tempore. It is in order. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 4 minutes.

Mr. KENNEDY. Mr. President, a number of us Senators COCHRAN, HATCH, and KASSEBAUM, have been engaged in discussions with the Secretary of Education—about this particular amendment.

From the start, there has been great concern about several aspects of the New American Schools proposal. We have expressed concern about the political pork barrel nature of the proposal. We have expressed concern about the inclusion of private sectarian schools and we have expressed reservations about the fact that the Secretary of Education would make the decisions. Many of us feel that these decisions are best left to State and local officials.

We have addressed these concerns with the Secretary and have come to the following agreement involving the provision on the New American Schools:

Under the New American Schools Improvement Act, a State may apply for a waiver to the Secretary to use the funds to establish New American Schools. If the Secretary approves the waiver, the State will use the funds to establish the New American Schools in the State and the State will make the decision about what school or schools will get the award.

In addition, awards are confined to public schools under the authority of the State education agency. Private schools may not get funds under this act.

I believe this proposal addresses the concerns that this side had with the New American Schools concept. It will be a State decision whether to have these schools and to integrate them into the reform structure. The State will decide which schools will get the awards, not the Federal Government. And decisions will not be made in a way that will benefit the administration that happens to control the White House.

In this form, I support the amendment, and I urge my colleagues to do so.

Mr. WELLSTONE. Will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. I will be glad to yield.

Mr. WELLSTONE. First of all, let me just say I appreciate the tireless work of the Senator. I have just a couple of questions, because I have not had a chance to actually look at the amend-



ment. These schools will not be private sectarian schools, as I understand it.

Mr. KENNEDY. The Senator is correct.

Mr. WELLSTONE. Could they be private schools?

Mr. KENNEDY. Public only.

Mr. WELLSTONE. Only public schools.

Are there any safeguards in regard to these schools not being able to, for example, use admission tests as to what students will get in? Let me start with that one.

Mr. KENNEDY. I refer to page three of the amendment, line 18, "any new public schools." The public schools as referred to in the amendment must apply whatever State standards have been established by the State.

Mr. WELLSTONE. I thank the Senator. I have not had a chance to look at the amendment.

Mr. KENNEDY. On page 4, the term "New American Schools" means an elementary or secondary public school that is: under the authority of a State educational agency or local agency; reflects the best available knowledge regarding teaching and learning of all students; uses the highest quality instructional materials; and has a curriculum designed to meet the national educational goals, which I think all of us basically embraces. In addition, the school should meet the particular needs of the students and community served by such school.

Mr. WELLSTONE. I want to say to the Senator from Massachusetts, I had some concerns. I think this compromise is very reasonable. I am glad it is in the public school system. I thank both the Senator from Mississippi and the Senator from Massachusetts.

• Mr. GORTON. Mr. President, as an essential component of the President's bold education agenda, America 2000, I fully support the Cochran amendment for New American Schools. New American Schools would break the mold of traditional learning by creating model schools of world-class excellence.

The Cochran amendment envisions at least one school per congressional district created by 1994. Each school would receive up to \$1.0 million to design and implement a plan. Additional funding would be provided through fiscal year 1994 to communities for planning, staff training, purchasing equipment, and instructional materials. New American Schools are critical to achieving real reform for all schools. Without models and experiments, the decline of American education will continue. We can no longer tolerate "business as usual." This amendment reverses that trend by rewarding innovation, encouraging creativity, and challenging communities.

This differs from past educational reform efforts by drawing on state-of-the-art technology, the latest education research, the best education

practices, and the community resources to put them in place. This support will assist innovative programs already underway in Washington State.

Washington State's Schools for the 21st century exemplifies a new generation of American schools. Created by the legislature in 1987, this competition has awarded 33 educational projects for their innovative methods. Schools are connected by an electronic network, which enables teachers to communicate ideas and share lesson plans. Common themes among projects within this program include outcomes-based education, integrated curricula, cross-age grouping of students, parents involvement, and technology. The Ocosta School District is another example of communities committed to challenging traditional methods. Last September, Ocosta School District in Westport received a large grant from the Department of Education for a 1991 restructuring project.

Mr. President, since the New American Schools concept was announced last April, 31 States, hundreds of communities, and over 650 chambers of commerce have announced or will soon announce their communities' support for America 2000 and the National Education Goals. From Wenatchee to Federal Way, and Grays Harbor to Pasco, Washington State communities are investing in their futures by becoming America 2000 communities. This amendment will tell them that the U.S. Senate shares their dreams for a better education for their children. I urge my colleagues to support the Cochran amendment.

• Mr. HARKIN. Mr. President, I am pleased that the Cochran amendment to S. 2 requires the New American Schools to serve all students and this most certainly includes students with disabilities. The goal of federal legislation is for comprehensive schools which foster full inclusion of students from diverse backgrounds, including students with disabilities; including lesser known and newly emerging disabilities, and students with severe and multiple disabilities. These new schools should utilize approaches to provide for the maximum participation of students with disabilities in the least restrictive environment.

The Cochran amendment requires that the new schools would reflect the "best available knowledge regarding teaching and learning for all students." The extensive knowledge base of special education researchers should prove exceedingly valuable in this endeavor and should be utilized. Special education researchers have studied effective instructional methods that improve the performance of students with disabilities and this extensive knowledge base has much to offer the school reform movement.

Mr. DURENBERGER. Mr. President, the majority of funding authorized by

this legislation will go to existing schools that need improvement. And, I am sure there are hundreds of schools in my own State of Minnesota that could benefit from those grants.

And I stated earlier, I preferred that more of the funding would go to help start new schools. And, I am pleased that the Cochran New American Schools amendment—as well as the language Senator KENNEDY has added at my request to allow funding to go to new charter schools—will help address that concern.

Due to many hours of good faith discussions among a number of Senators interested in helping achieve the President's goal of starting new break the mold schools, Senator COCHRAN's amendment will now allow States to spend at least 15 percent of the money they receive under S. 2 to help start New American Schools.

And, under the language that Senator KENNEDY previously added at my request, an additional 10 percent of the funds may be used for State-level initiatives including New American Schools, charter schools, teacher training, and public school choice initiatives.

Because of these important improvements, I strongly support the Cochran amendment, as now agreed to by the majority and by the administration. And, I urge my colleagues to affirm their support, as well.

#### THE NEED FOR INFORMED SCHOOL CHOICES

Although it is not a part of the Cochran amendment, Mr. President, I would also like to point out one additional improvement in this legislation—added by the distinguished Senator from Massachusetts at my urging—that will help States help parents and students make better informed school choices.

This provision in section 202 specifically authorizes States to use a portion of their block grant for "student assessment and parent information and referral programs."

Mr. President, Minnesota has the well-deserved reputation of doing more than any other State to give parents the right to choose the public school that their children attend.

Minnesota was the first State to allow high school juniors and seniors to take college courses at State expenses.

Minnesota was the first State to offer interdistrict school choices to every student under Minnesota's open enrollment program.

And, with chartered schools, alternative learning centers, and contract programs with private, nonsectarian schools, Minnesota has made it possible to better tailor learning environments to the diverse learning needs of today's students.

At the present time, Mr. President, parents in Minnesota have the option of choosing virtually any public school in the State under one of seven dif-

ferent school choice programs. And, last year, more than 28,000 students attended school under one of those seven programs.

With this much choice and diversity in place, it is only natural that attention is now focusing on how to assist parents and students make wise choices. Without good consumer information, any program designed to use the marketplace to achieve desired objectives cannot fully succeed. And, the important investment we are making in the educational future of this Nation's young people makes doing choice right an absolutely necessity.

#### MINNESOTA'S "SCHOOL CHOICE ADVISOR" PROGRAM

That is why one important part of Minnesota's ongoing school choice strategy is to begin establishing a statewide system of student assessment and parent information and referral networks that will help parents and educators match students and schools.

As Minnesota Education Commissioner Gene Mammenga has said:

Although we were first to enact and implement statewide parent choice in selecting schools, we must now empower parents further by ensuring that the essential information is available for making informed choices.

Minnesota's answer to that challenge—called School Choice Advisor—is actually a public/private venture being developed by the Minnesota Department of Education, School House magazine and PEAKSolutions, a computer software and data base development company.

School Choice Advisor is being designed to be an educational tool for both parents and schools. Like information and referral programs for other public services, it involves collecting and processing information on characteristics and programs in each of the State's schools.

But, it also will interview both parents and students to determine their interests and needs and the kind of programs they want and will benefit from.

Parents and students will benefit from a program like this by being able to make better informed school choices. And, Minnesota Department of Education officials are making special efforts to involve low-income parents in this program by making it easily accessible and free of charge.

Schools will also be able to use the parent/student assessment information being gathered to help assess what they have available and to adapt and add programs that parents and students want and need. The information will also be useful to the State department of education and State policymakers in planning and evaluating the needs of capabilities of the State's schools.

Finally, Mr. President, development of School Choice Advisor in Minnesota—with assistance from funding

authorized by the legislation now before us—could produce a program that could be replicated all across the Nation as more and more States adopt school choice programs.

Specifically allowing States like Minnesota to use their block grant for purposes like School Choice Advisor is one important improvement in this legislation, Mr. President, and it gives States an important tool to help reap the multiple benefits that school choice programs make possible.

Mr. SIMPSON. Mr. President, I rise in support of the Cochran-Kennedy compromise amendment on the New American Schools initiative. I am so very pleased to see that an accord has been reached. Those fine legislators, Senator KENNEDY, Senator COCHRAN, and Senator KASSEBAUM should be richly commended for forging this compromise.

Although this compromise does not exactly adopt the President's America 2000 blueprint for New American Schools, it does give State educators the opportunity to finally use portions of their Federal education block grants to work toward establishing the President's proposal for these break-the-mold schools. It is a good start. When it goes to conference, however, it should not be weakened.

Last night, the two sides were at absolute loggerheads on this issue. It was all very close to becoming a strictly political issue—both sides stood solidly by their alternatives. However, for America's future we need bipartisanship and leadership—not partisanship. That is exactly what our outstanding President wished for when he initiated the New American Schools proposal.

Once again, I do commend my five colleagues for forging this compromise that will lead us to the establishment of truly creative and innovative New American Schools.

Mr. KENNEDY. I want to express my appreciation to the Senator from Mississippi, Senator KASSEBAUM, and Secretary Alexander.

We have a number of difficult remaining issues. It does seem to me we tried to work with our colleagues and friends and members of the committee and hopefully this compromise reflects the best of what we have attempted to do on this particular provision. I thank the Senators very much for all of their cooperation.

Mr. COCHRAN. Mr. President, I thank Senator KENNEDY for his kind comments, his generous comments. I yield back whatever time remains on this side.

Mr. KENNEDY. I yield back my time.

The PRESIDENT pro tempore. All time has been yielded back. The question is on agreeing to the amendment. The yeas and nays have been ordered. The Clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from Washington [Mr. GORTON] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. GORTON] would vote "yea."

The PRESIDING OFFICER (Mr. WOFFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—96

Adams	Ford	Mitchell
Akaka	Fowler	Moynihan
Baucus	Garn	Murkowski
Bentsen	Glenn	Nickles
Biden	Gore	Nunn
Bingaman	Graham	Packwood
Boren	Gramm	Pell
Bradley	Grassley	Pressler
Breaux	Hatch	Pryor
Brown	Hatfield	Reid
Bryan	Heflin	Riegle
Bumpers	Helms	Robb
Burdick	Hollings	Rockefeller
Burns	Inouye	Roth
Byrd	Jeffords	Rudman
Chafee	Johnston	Sanford
Coats	Kassebaum	Sarbanes
Cochran	Kasten	Sasser
Cohen	Kennedy	Seymour
Conrad	Kerry	Shelby
Craig	Kohl	Simon
Cranston	Lautenberg	Simpson
D'Amato	Leahy	Smith
Danforth	Levin	Specter
Daschle	Lieberman	Stevens
DeConcini	Lott	Symms
Dixon	Lugar	Thurmond
Dodd	Mack	Wallace
Dole	McCaig	Warner
Domenici	McConnell	Wellstone
Durenberger	Metzenbaum	Wirth
Exon	Mikulski	Wofford

NAYS—0

NOT VOTING—4

Bond	Harkin
Gorton	Kerrey

So the amendment (No. 1473) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for up to 15 minutes.

Mr. KENNEDY. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. KENNEDY. Just for the membership, Mr. President, I welcome the fact that we were able to work out a successful compromise on the last amendment, which was one of the principal issues that was before the Senate on this question. Senator DOMENICI will speak, and we will come back to the Hatfield amendment.

We have been working with Senator HATFIELD. As far as we are concerned,



we are prepared to urge the Senate to accept the Hatfield amendment. I know there are some of those that are looking at that, in addition, but I am hopeful that we can work that out.

Then we will go to the Hatch amendments. I expect that we will have a very considerable discussion and debate on those, which ought to be in the early afternoon. We are beginning to make some good progress now. Senator WELLSTONE has spoken to me about an amendment he has to offer, as has Senator METZENBAUM.

We are hopeful of moving the legislation along in a timely way. I think one of the major issues in question has now been put behind us, and I hope we can do the same with others. If there are other amendments, I hope they will come forward.

The PRESIDING OFFICER. Will the Senate come to order.

Mr. SARBANES. Mr. President, is it the intention to finish this bill this evening?

Mr. KENNEDY. I certainly hope so, Mr. President. I know the issue that Senator HATCH has is a matter of great importance and consequence, and there are Members who want to speak on it. But I understand from the majority leader that we will work into the evening tonight, and I hope that Members will be prepared to do so. After that measure, I know of perhaps one or two other items. And there is no reason to believe that, if we have the kind of cooperation we have had today, we cannot conclude.

Mr. SARBANES. I see the majority leader is on the floor.

Mr. DOMENICI. Mr. President, this time is not being charged to me, is it?

Mr. KENNEDY. Mr. President, I ask unanimous consent this time not be charged to the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. I ask the majority leader, is it the intention to complete the legislation this evening, or if not this evening, then on tomorrow, I take it; is that correct?

Mr. MITCHELL. Mr. President, that is correct. I hope that we can complete action on this legislation as soon as possible. I hope today, if we can do it. I have discussed it with the distinguished chairman and manager of the bill. I believe one of the major points of controversy has now been resolved. There remain, it is my understanding, a couple of others.

I hope we can complete action on it today. If we can complete action this evening, then the Senate will not have any votes tomorrow. Of course, there already are no votes scheduled for Monday. We are going to take up the cable TV bill on Monday, but there will be no votes at that time. I hope we can complete action as soon as possible. If possible, today.

Mr. SARBANES. If we were not to finish today, then we would be on the bill tomorrow?

Mr. MITCHELL. Yes; we will stay in tomorrow to finish the bill.

Mr. DOMENICI. May I say to the Senator from Massachusetts, since he was enumerating the amendments pending, that I might have an amendment on alternate certification. I will talk to the Senator about it first.

The PRESIDING OFFICER. The Senator from New Mexico is recognized up to 15 minutes.

Mr. DOMENICI. Mr. President, I rise today to tell the Senate that the Senator from New Mexico does not believe that we need an across-the-board tax cut for middle-income Americans. I am delighted that that view is supported by an overwhelming number of American citizens. They are not without good sense.

I am also pleased to inform the Senate that almost every American economist, from John Kenneth Galbraith of old, who is still teaching, and who advised Senator Kennedy when he became President, and others, to OMB directors of late, such as Roy Ash; Rudy Penner, who was Congressional Budget Office director; Alan Greenspan who runs the Federal Reserve Board; and Charles Shultz who was the economic adviser to President Carter. There are other prominent names, as Alice Rivlin, Herbert Stein, Barry Bosworth, and Isabel Sawhill. The list goes on, such that I can say, unequivocally, that the overwhelming majority of economists who advise large organizations, who advise Presidents and who write for a large group of listeners, indicate that we do not need an across-the-board tax cut for middle Americans.

Then look at the polls. The American people are crying out for leadership. They want us to do something, and we are going to act. We are going to set about to see if we can minimize this recession, and to the extent possible, set new policies that will keep America growing, to guarantee future prosperity and jobs.

I could list more economists, but I will stop with those and merely say that I believe the across-the-board tax cut, as a stimulus, is better characterized as a political stimulus than economic stimulus. And before we are finished, I believe it will not even be a political stimulus, because a political stimulus without support goes nowhere. I do not believe the American people are going to support it, because they are too smart. They know we have a huge deficit and economic problems because of it. They do not want us to add to future problems, which is what really worries them.

The future of the American economy for their children and for them is what is really worrying them. It is not tomorrow morning and 2 weeks from

now, although they are expressing it in that sense, because we have a lot of difficulties in the economic environment now.

So let me repeat. We must do a number of things and what we ought to do is provide new policies that will add to the sustained growth potential for the United States.

Having said that, I think it would be appropriate to talk about the current recession very quickly to put it in perspective. No one sympathizes more than I for an American man or woman who wants to work and is out of work because of this economic slump or because businesses have to reduce their overhead to exist in a new competitive economic life.

But I just hope the Senate understands that cyclical recessions have been recurring for as long as we have had a capitalist economy in the United States. Frankly, this recession is not as bad in many respects as the 1981-82 recession. I will not bore the Senate with facts about that.

Suffice it to say that the current economist who heads the Congressional Budget Office, a totally neutral economist administrator, yesterday in testimony said unequivocally this recession is far less severe on all scores than the 1981-82 one. You remember that recession. Interest rates were 21 percent, inflation was 14 percent. Unemployment was not 7 percent, but rather 11 percent at one point.

What we are hearing today are a lot of future plans, and they seem to be coming out so regularly that we think this must be the worst of economic times. Frankly, plant closings and layoffs are being announced now because we have a law saying they must be announced. This law was not in effect in 1981-82.

But I would like to put in the RECORD a summary of magazine headlines during that era. American companies that were in trouble then and were having to ratchet down and announce plans for a reduced job force. I will put that in the RECORD. Anyone who is interested can see it was happening then, too.

Mr. President, I ask unanimous consent to print that material in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The headlines below represent a very small sample of periodical articles over the period 1980-1983. They were garnered from a search of the Readers' Guide to Periodical Literature and do not include articles that appeared in newspapers, only magazines and journals. Four subjects were searched: unemployed, layoffs, inflation and business conditions.

#### MAGAZINE HEADLINES 1980-83

Headline	Publication	Date
UNEMPLOYMENT		
Idle army of unemployed	Time	Aug. 11, 1980.

## MAGAZINE HEADLINES 1980-83—Continued

Headline	Publication	Date
Job slump takes a \$50,000,000 toll.	U.S. News	June 16, 1980.
New fear: unemployment nearing 12 percent.	Business Week	May 19, 1980.
Unemployment: the worst is yet to come.	Fortune	Jan. 26, 1981.
11 million jobless, and the worst is yet to come.	U.S. News	Oct. 18, 1982.
High unemployment won't go away.	Fortune	Aug. 9, 1982.
The labor market is likely to get worse.	Business Week	Sept. 13, 1982.
Twelve million out of work	Newsweek	Dec. 13, 1982.
Unemployment: the worst in 41 years.	U.S. News	May 17, 1982.
Recession's harsh hangover	Newsweek	May 16, 1983.
Where workers ask: what recovery?	U.S. News	Nov. 21, 1983.
<b>LAYOFFS</b>		
Auto workers head for the welfare rolls.	Business Week	July 14, 1980.
Economic slump fosters pilot layoffs.	Aviation Week	Nov. 3, 1980.
General aviation firms expand layoffs.	Aviation Week	June 9, 1980.
Layoffs ripple out to more industries.	Business Week	May 5, 1980.
Big layoffs begin as the economy stalls.	Business Week	Oct. 12, 1981.
Decline in orders forces Boeing workforce drop.	Business Week	Nov. 23, 1981.
Layoffs signal a slump that will not end soon.	Aviation Week	Nov. 30, 1981.
Pottlatch lingers to a standstill (closing of a sawmill).	Newsweek	Sept. 14, 1981.
Wave of layoffs in semiconductors.	Business Week	June 29, 1981.
Where job layoffs will strike next	U.S. News	Nov. 16, 1981.
Continued depressed sales force new round of layoffs (general aviation).	Aviation Week	Sept. 6, 1982.
Gates to lay off 25 percent at two plants.	Aviation Week	May 31, 1982.
Misery in the minefields	Newsweek	Dec. 6, 1982.
Even the AFL-CIO is laying workers off.	Business Week	May 2, 1983.
<b>INFLATION</b>		
Carter's Hoover syndrome	New Leader	Mar. 24, 1980.
Citizens find inflation worse than reported.	Nation Business	May, 1980
Credit crunch is on	Newsweek	Mar. 31, 1980.
Economy: scary	Time	Mar. 7, 1980.
If you're not scared, maybe you should be.	Forbes	Mar. 17, 1980.
Inflation: a doomsday scenario	Newsweek	Mar. 24, 1980.
Squeeze on the middle class	New York Times magazine	July 13, 1980.
U.S. economy in crisis	Newsweek	Jan. 19, 1981.
Why the prime is so high	Forbes	Dec. 22, 1980.
Inflation cutting U.S. farm values.	U.S. News	Apr. 20, 1981.
Inflation threatens Head Start quality.	Phi Delta Kappa	January, 1981.
Inflation's vicious bite (impact on the elderly).	U.S. News	Feb. 23, 1981.
Middle class looks for letup in the squeeze.	U.S. News	July 20, 1981.
Ways business copes with high prices.	U.S. News	Apr. 6, 1981.
<b>BUSINESS CONDITIONS</b>		
Corporate shift to pessimism	Business Week	May 19, 1980.
High interest rates portend a serious slump.	Business Week	Mar. 24, 1980.
It will be a rough one	Forbes	Aug. 4, 1980.
Recession's bite on borrowers	Newsweek	July 21, 1980.
Those cautious consumers	Time	Aug. 25, 1980.
Gathering gloom for workers	Time	Dec. 14, 1981.
Time-bomb economy	Macleans	Nov. 2, 1981.
Are we headed for another Great Depression?	Readers Digest	August 1982.
Recession wracks the merchants	Business Week	Feb. 15, 1982.
Another biotechnology company bites the dust.	Science	Sept. 10, 1982.
Bankruptcy at Braniff	Time	May 24, 1982.

Mr. DOMENICI. Mr. President, having said that, let me move on to where we are and what the Senator from New Mexico thinks we ought to do. First, almost every economist, again, who is looking at the American economy today, recognizes that we are currently stimulating this economy to a very high degree. I will tell the Senator why and how in just a moment.

Other things are happening to stimulate the American economy at a very high level right now. In fact, the Direc-

tor of the Congressional Budget Office said yesterday that without any new stimulus, without Congress doing anything, the prediction is that in the third quarter of this year we will recover and we will be growing at 3.5 percent and by the last quarter we will be growing at 4 percent.

I call to my friend Senator HATFIELD's attention that that is the projection if we do nothing. I think that is right. I think that the other economists who are looking at it are all saying we are going to get out of this recession and start a recovery in the second or third quarter at the latest without doing anything.

Is that not interesting? Let me tell the American people and the Senators how we are already stimulating the economy in ways that are very healthy and what the effects are. Since the interest rates came tumbling down homeowners have been refinancing their homes and when they do that, I say to the Presiding Officer, they save money because their mortgage payments are reduced. On average they are saving \$2,000. Some are saving \$4,000, some are saving \$1,000. But add them all up and nearly \$40 billion a year is going into the economy because of that.

I submit some have been talking about a tax cut, I say to Senator HATFIELD, of \$30 billion for middle-income people. There is already a stimulus going on that is bigger than that that costs the deficit nothing and will be just as effective.

Then there is another giant whopper that is stimulating the economy and it will turn it on soon, and that is the dramatic reduction in oil prices. Gasoline prices are 30 cents less than expected for this date as far as the calculations go in our fiscal policy. That equals \$3.5 billion a year in the pockets of Americans to spend.

And one might say, is that really so? Are they going to do anything with it? Let me tell you they are going to do as much with that as they will do with the \$20 or \$30 or \$40 a month that some want to give them in a tax rebate for so-called middle-income Americans. Those same Americans, when polled, are saying do some things positive for the economy, do not do things for us, we know that America has a big deficit and we ought to start taking care of it.

So it seems to me that quick fixes and political stimulus should be avoided here. The American people ought to know that there is a difference between that which we should do to help our economy and the political stimulus that the politics of our day would suggest. And we all know it is occurring. I do not speak of it with any kind of anger; rather it is reality. Let us just call it what it is and be sure we are not stimulating the economy with political stimulus instead of real ones.

I think the American people also, in asking us to help them with jobs, know

full well that the U.S. Government cannot go out into their neighborhoods and streets and byways and give every unemployed American a job. I do not think that is what they are saying when they say, do something about the economy.

But let me suggest, even if there are people out there that think the United States Government acting on orders from the Congress and the President should put people to work, I just ran a couple of numbers. If you want to use the old Comprehensive Employment Training Program and put people into jobs then it will cost \$17,000 to \$19,000 for each person. For 2 percentage points of unemployment, or 2 million people, you will spend \$35 billion in that program, and you could not get it geared up for 6 to 8 months.

Mr. President, I ask unanimous consent to print in the RECORD a summary, where some very excellent economists have looked back at the last two big recessions and found out what Congress did and then they have analyzed it to see if it was effective.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## FISCAL POLICY USUALLY COMES TOO LATE TO BE EFFECTIVE

How has fiscal policy worked in the past to end recessions? The answer is fiscal policy generally does not provide a "quick fix" that ends recessions.

Let's look at the record:

The 1981-1982 recession ended in November of 1982. Policy actions:

January 6, 1983: Surface Transportation Assistance Act of 1982, P.L. 97-424.

March 24, 1983: Emergency Jobs Appropriations Act of 1983, P.L. 98-8.

The 1973-1975 recession ended March of 1975. Policy actions:

March 29, 1975: Tax Reduction Act of 1975, P.L. 94-12.

July 22, 1976: Public Works Employment Act of 1976, P.L. 94-369.

May 13, 1977: Local Public Works Capital Development and Investment Act of 1976, P.L. 95-28.

Generally, fiscal stimulus packages such as these provide stimulus equal to 1 percent to GNP on average during the 1st year of recoveries.

But during the recession fiscal stimulus averages a negligible 0.2 percent of GDP. Not enough to have much impact.

Mr. DOMENICI. Mr. President, the voters and the American people should know that almost every time that we put a stimulus in the American economy, be it makeshift jobs, be it reinvented public works programs, whatever it is, they almost all came into fruition when the recession was over. In fact, one of the programs came into fruition 3 years after the recession was gone when the economy was booming, and it was heralded in certain places as an antirecessionary program. It even had that as part of its name. So we are not going to hopefully let ourselves get caught in that kind of trap. So what should we do?

In this Senator's opinion the largest and most significant problem we are



facing in America is the enormous drag on this economy by the cumulative deficit, called the debt, and the current annual deficit which is skyrocketing. Our net American savings is so low that it does not even compare with our trading partners, and we are the leading capitalist country.

If you are a capitalist country you have to have capital to spend and that is measured by your net savings. We only have a net saving rate of about 4 percent and we are gobbling it up with deficits almost faster than anyone can count it.

So it seems to me that we ought to commit ourselves to a program that does not increase the deficit and continue that into many years beyond the 3 that are left in the agreement on the budget, caps and limitations on expenditures, so we will reasonably control the expenditures of this Government so that we will indeed get that deficit under control.

For those who wonder whether we could get rid of the deficit by taxes let me suggest from what I know now if we did everything else except the health care, and we will talk about it in a minute, it will take a 20-percent tax increase on everything and everyone to get a handle on this deficit in just tax increases. Nobody thinks we can do that. It will not work. It will spoil the very goose that is laying the golden egg.

So as far as I am concerned we ought to do things that build capital, enhance savings as best we can. I mean policies like the investment tax credit, capital gains differential, tax credits that are directed at buying homes, the passive loss rule that has made realtors second-class citizens because they do not get losses that other people do because we made a mistake and included them in the abolition of passive tax losses. We ought to adjust IRA's so amounts can be withdrawn without penalty for new housing and other things during this interval and then add to the amount we can deposit in an IRA in the future. We ought to do something about the real estate market so we can stop the free fall in that market as best we can, and there are some things we can do.

So I close, knowing full well that the 1981-82 recession was caused by Paul Volcker and the Federal Reserve cutting down on money supply and raising interest rates. I know that happened.

Now I know in this recession the Federal Reserve has dramatically reduced interest rates. And I remind everyone that Mr. Volcker, and I will put his statement in the RECORD, reminded us when he finally loosened up on money that we better get the deficit under control or we will be right back in the soup again. I think we are going to be there regularly until we do something about it.

Mr. President, I ask unanimous consent to print the Volcker statement in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

On February 29, 1984, Paul Volcker, then Chairman of the Federal Reserve, made the following observation in testimony before the Senate Budget Committee:

"We can, in concept visualize an economic expansion that continues despite financial strains—an expansion characterized by relatively high interest rates and by high consumption supported by large deficits, but markedly sluggish investment and a widening trade deficit. That, in itself, is hardly desirable in terms of the staying power of the expansion and future growth and productivity. But we also have to be conscious of the added risks such as financial pressures would pose—to thrift and other financial institutions, to less developed countries with heavy debt burdens, and their creditors in the U.S. and elsewhere, and to the fabric of international trade. At some unknown point the sustainability of the expansion itself would be jeopardized."

Chairman Volcker went on to conclude that the only solution to the economy's long term growth prospects was:

"What must be done is to deal with the source of the problem—the excessive deficits. . . .

In a sense, dealing with the deficit seems to be everyone's second priority—the first is particular spending programs or measures of tax relief that, viewed in isolation, have strong justification. I can only urge that [these decisions about deficit reduction] be faced sooner rather than later before we are enveloped with an atmosphere of crisis, in financial markets and elsewhere."

This is a lesson we did not learn in 1984 that we should learn now.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon, [Mr. HATFIELD] is recognized to offer an amendment on which there will be 1 hour of debate.

Mr. HATFIELD. Thank you, Mr. President.

#### AMENDMENT NO. 1474

(Purpose: To establish the Education Flexibility Demonstration Act)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for himself, Mrs. KASSEBAUM, Mr. PELL, Mr. HATCH, Mr. KENNEDY, Mr. SEYMOUR, Mr. GRAHAM, and Mr. PACKWOOD, proposes an amendment numbered 1474.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, in the table of contents, after the item relating to section 212 insert the following:

#### TITLE III—EDUCATIONAL REFORM AND FLEXIBILITY

Sec. 301. Statement of findings and purpose.  
Sec. 302. Flexibility and accountability in education and related services.

On page 2, in the table of contents, redesignate the item relating to title III as the item relating to title IV.

On page 2, in the table of contents, redesignate the item relating to section 301 as the item relating to section 401.

On page 56, between lines 19 and 20, insert the following:

#### TITLE III—EDUCATIONAL REFORM AND FLEXIBILITY

##### SEC. 301. STATEMENT OF FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) historically, Federal education programs have addressed the Nation's most pressing educational problems by providing categorical assistance with detailed requirements relating to the use of funds;

(2) while the approach described in paragraph (1) has proven generally successful, some program requirements may inadvertently impede educational achievement;

(3) the Nation's schools are being asked to deal effectively with increasingly diverse educational needs that current program structures may not be flexible enough to address; and

(4) in an era when educational change and reform must prevail, it is more important than ever to provide programs that—

(A) result in improved educational outcomes for all students;

(B) promote the coordination of education and related services that benefit children and their families;

(C) respond flexibly to the needs of a diverse student population;

(D) stop the proliferation of unnecessary Federal, State, and local regulation; and

(E) place less emphasis on measuring resources and reviewing procedures and more emphasis on achieving program results.

(b) PURPOSE.—It is the purpose of this title to establish a national demonstration program which—

(1) promotes educational reform that leads to improved educational outcomes for participants in affected programs;

(2) holds accountable the schools and other recipients of Federal funds for achieving specific educational improvement goals in exchange for increased flexibility in the use of their resources; and

(3) enables school and program administrators, teachers, parents, local agencies, and community groups to work together to develop effective education programs that lead to improved achievement and meet the needs of all participants, particularly those who are disadvantaged.

##### SEC. 302. FLEXIBILITY AND ACCOUNTABILITY IN EDUCATION AND RELATED SERVICES.

(a) IN GENERAL.—Subpart 1 of Part C of the General Education Provisions Act (20 U.S.C. 1221 et seq.) is amended by adding after section 421A a new section 421B to read as follows:

##### "SEC. 421B. FLEXIBILITY AND ACCOUNTABILITY IN EDUCATION AND RELATED SERVICES.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—(A) The Secretary shall, in accordance with this section, assist elementary and secondary schools and other service providers to improve the achievement of all students and other participants, but particularly disadvantaged individuals, by authorizing waivers to not more than 100 local educational agencies by which the States can improve the performance of schools and programs by increasing their flexibility in the use of their resources while holding them accountable for achieving educational gains.

"(B)(i) In support of these projects, the Secretary is authorized to waive any statutory or regulatory requirement (except as provided in subsection (e)) applicable to a program described in clause (i) that the Secretary determines may impede the ability of a school or other service provider to meet the special needs of such students and other individuals in the most effective manner possible. The head of any other Federal agency in accordance with the programs described in clause (i) is similarly authorized to waive such requirements applicable to an elementary, secondary, or youth vocational training program administered by such agency if the agency head and the Secretary agree that such a waiver would promote the purpose of this section.

"(ii) The Secretary shall only waive a statutory or regulatory requirement applicable to a program under—

"(I) chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

"(II) chapter 2 of the Elementary and Secondary Education Act of 1965;

"(III) the Dwight D. Eisenhower Mathematics and Science Education Act;

"(IV) the Follow Through Act;

"(V) subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act; and

"(VI) the Carl D. Perkins Vocational and Applied Technology Education Act, except part H of title III and funds allocated by States under section 232 of such Act.

"(2) PROJECT DURATION.—Projects conducted under this section, and any waivers associated with such projects, shall last no longer than three years, except that the Secretary may extend a project and any associated waivers for an additional 2 years if the Secretary determines that the project is making substantial progress in meeting its goals.

"(3) TERMINATION.—The Secretary shall terminate a project and its associated waivers if the Secretary, at any time, determines it is not making acceptable progress toward meeting its goals. The head of any other Federal agency who has granted waivers under this section shall determine whether to extend or terminate those waivers, but the Secretary shall have exclusive authority to extend or terminate the project.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—Each project that involves elementary or secondary schools shall include the participation of a local educational agency and at least 2 schools.

"(2) GRADE AND PROGRAM REQUIREMENT.—To the extent possible, each grade and academic program in a participating school shall participate in the project.

"(c) APPLICATIONS.—A local educational agency, wishing to conduct a project under this section, shall submit an application to the State educational agency for approval. The State educational agency shall then transmit approved applications to the Secretary. Each application shall be submitted within 2 years of enactment of the Neighborhood Schools Improvement Act and shall include a plan that—

"(1) describes the purposes and overall expected outcomes of the project;

"(2) identifies, for each school or site participating in the project, those impediments to improved educational outcomes that would be removed by the proposed waivers;

"(3) identifies the Federal programs to be included in the project, the Federal statutory or regulatory requirements to be waived, and the purpose and duration of the requested waivers;

"(4) describes the State and local requirements that will be waived, the purpose of

such waivers, and, if such requirements will not have been waived before the project begins, when those waivers will be obtained and take effect;

"(5) demonstrates the State has made an effort to waive substantial requirements pertaining to the local educational agency;

"(6) describes specific, measurable, educational improvement goals for each school or other site in the project and for each school year of the project, including—

"(A) goals for improving the achievement of all participants, including disadvantaged individuals, with respect to achievement in basic and advanced skills;

"(B) goals that reflect the broad purposes of each program for which a waiver is sought; and

"(C) an explanation of how the applicant will measure progress in meeting the goals set for each school or site in the project and for disadvantaged individuals participating in the project;

"(7) incorporates the comments of the Governor or the chief State school officer; and

"(8) for projects involving elementary or secondary schools—

"(A) identifies the schools to be included in the project and describes the student population at each school, including—

"(i) current data regarding the achievement of the disadvantaged students as well as other students; and

"(ii) the number of students who—

"(I) are of limited English proficiency, as defined in section 7003(a)(1) of the Bilingual Education Act;

"(II) are children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act;

"(III) are currently or formerly migratory;

"(IV) are educationally deprived, for the purposes of chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

"(V) are eligible for a free or reduced price school lunch;

"(B) describes specific goals for enhancing coordination between the regular education program available to all students and programs serving disadvantaged students;

"(C) if fewer than all the schools in a local educational agency will participate in a project, describes the expected educational outcomes for disadvantaged students in schools that do not participate, and how those outcomes will be assessed;

"(D) describes how school administrators, teachers, staff, and parents (including parents of educationally disadvantaged children) have been, or will be, involved in the planning, development, and implementation of the goals and program for each participating school; and

"(E) contains goals for students targeted by the programs described in clause (ii) of section 421B(a)(1)(B) which are comparable to, or exceed existing goals under such programs.

"(d) APPROVAL OF PROJECTS.—

"(1) IN GENERAL.—The Secretary shall approve applications from not more than 100 local educational agencies for projects under this section that the Secretary determines show substantial promise of achieving the purposes of this section, after considering—

"(A) the comprehensiveness of the project, including the types of students, schools, programs, and activities to be included;

"(B) the extent to which the provisions for which waivers are sought impede educational improvement;

"(C) the State and local requirements that will be waived for the project;

"(D) the significance and feasibility of the proposed project's goals for each participating school or site;

"(E) the quality of the plan for ensuring accountability for the proposed plan's activities and goals; and

"(F) the comments of the Governors or the chief State school officers.

"(2) CONSULTATION.—The Secretary shall consult with the heads of other appropriate Federal agencies, if any, in determining whether to approve a project. Each such agency head shall notify the Secretary of any waivers granted by such agency head as part of such project.

"(3) DISTRIBUTION OF PROJECTS.—The Secretary shall ensure that, to the extent feasible, projects assisted under this section are geographically distributed, and equitably distributed among urban, suburban, and rural areas, as well as large and small schools.

"(e) ALLOCATION OF FEDERAL FUNDS; RESTRICTION ON WAIVERS.—

"(1) ALLOCATION OF FEDERAL FUNDS.—Federal funds under any program that are used to support a project under this section shall be allocated to local educational agencies and other recipients within the local educational agency in accordance with the statutory and regulatory requirements that govern the operation of that program, except that, for the purpose of such a project, the Secretary (or the head of any other Federal agency) may extend the duration of, and provide continuation funding to, a project chosen on a competitive basis that a participating agency is conducting.

"(2) RESTRICTION ON WAIVERS.—Neither the Secretary nor the head of any other Federal agency shall waive under this section any statutory or regulatory requirement in awarding a grant after the date of enactment of the Neighborhood Schools Improvement Act to a service provider within the local educational agency or other applicant participating in a project under this section.

"(3) SPECIAL RULE.—Neither the Secretary nor, where applicable, the head of any other Federal agency shall waive under this section any statutory or regulatory requirement—

"(A) under section 438 and 439 of the General Education Provisions Act;

"(B) under title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, or title II of the Americans with Disabilities Act;

"(C) under the Individuals with Disabilities Education Act; or

"(D) relating to—

"(i) maintenance of effort;

"(ii) comparability; or

"(iii) the equitable participation of students attending private schools.

"(f) REPORTS AND EVALUATIONS.—

"(1) PROJECT REPORTS.—Each project shall submit, not later than 90 days after the end of each year of the project, an annual report to the Secretary that—

"(A) summarizes the principal activities of the project;

"(B) contains school-by-school and other data, as described in the project plan, that show the extent to which the project is meeting its overall goals, including its goals for improving the achievement of all participants, particularly disadvantaged individuals, with respect to achievement in basic and advanced skills, and is meeting the goals for each school or other site;

"(C) describes the impact of the project on disadvantaged children in schools, if any,



that are not participating in the demonstration;

"(D) describes the effectiveness of efforts to coordinate programs and services for children and their families as appropriate; and

"(E) provides information on or comparable data regarding the programs described in clause (ii) of section 428B(a)(1)(B) of achievement levels of students served pursuant to such programs previously demonstrated over the preceding 3 years compared with children or students served under this title.

"(2) SECRETARY'S REPORT.—The Secretary shall submit a report to the Congress every two years that summarizes and analyzes the project reports required by paragraph (1).

"(3) EVALUATION REPORTS.—At the end of the 6-year period described in this section, and at such interim points as the Secretary deems appropriate, the Secretary shall provide to Congress an independent evaluation of the projects assisted under this title, as well as an evaluation of the program assisted under this section by the Department of Education and other affected Federal agencies. Such reports may include recommendations for amendments to program statutes that are based on the experience of projects that successfully raise educational achievement by eliminating or modifying statutory or regulatory provisions that impede educational improvement.

"(g) DEFINITION.—For the purpose of this section, the term 'disadvantaged students' includes students of limited English proficiency, children with disabilities, students who are currently or formerly migratory, and students who are educationally deprived.

"(h) BUDGET NEUTRALITY.—The authority provided by this section shall not be exercised in a manner that, for any fiscal year, increases total obligations or outlays of discretionary appropriations for programs subject to such authority, or that increases total obligations or outlays of funding for all direct-spending programs subject to such authority over those that would have occurred absent such authority."

(b) SUNSET PROVISION.—The amendment made by subsection (a) shall be effective during the 6-year period beginning on the date of enactment of this Act.

On page 56, line 20, strike "III" and insert "IV".

On page 56, line 21, strike "301" and insert "401".

Mr. HATFIELD. Mr. President, a letter appeared on my desk yesterday which inspired me and offered me guidance as I prepared to advance my amendment today. It was a simple quote from former President James Monroe. The quote is: "The question to be asked at the end of an educational step is not what has the student learned but what has the student become."

Mr. President, I want to begin today by sharing this thought with my colleagues as we consider an amendment which I believe holds great promise for improving the quality of education and the process of learning. In my opinion, as a former educator and former Governor, there is no greater objective in political life today.

I rise today to offer the Education Flexibility Demonstration Act to 2. My amendment would simply allow the Secretary of Education to waive the

statutory or regulatory educational requirements of certain Federal programs in exchange for holding grantees accountable for achieving educational goals, and those goals must represent gains.

My amendment is a national demonstration project limited to 100 waivers to local educational agencies across the country. While many of my colleagues will acknowledge that this is but a small start, I believe it is a significant one that will allow the Secretary of Education to demonstrate how effective a hands-off approach at the Federal level can be in inspiring innovation and creativity at the local level.

I would like to take this early opportunity to thank my colleagues on the Senate Labor Committee who have committed themselves in a bipartisan fashion to achieving consensus on this issue. I am especially grateful to Senator KENNEDY, Senator PELL, Senator KASSEBAUM, and Senator HATCH. I would also like to acknowledge the co-sponsors of the amendment at this time which include Senator GRAHAM of Florida; my colleague from Oregon, Senator PACKWOOD; and Senator SEYMOUR.

My amendment supports the America 2000 strategy by making the individual school the site of radical reform. By laying aside many of the regulatory requirements of Federal education programs, this amendment will grant teachers, principals, and parents the authority and the responsibility to make the important decisions about how to run their schools and to educate their children.

Currently, Federal regulations can be both overwhelming and intimidating and can have a chilling effect on innovation in the schools across our country. In addition, many of the regulations that we impose upon our educators fly in the face of common sense, basic economy, and the real life ways that people have devised to meet the pressing educational needs of different kinds of students.

My goal—the goal of this amendment—is to give States and local districts the freedom to use Federal funds in the most effective ways they can. It will encourage local communities to experiment and to implement serious reforms using existing resources and equipment.

My amendment permits the granting of waivers in the following education programs: Chapter 1, Chapter 2, the Eisenhower Math-Science Program, and the Follow-Through Act, and the youth programs under the McKinney Act, and the Carl Perkins Vocational Education Act. It will not allow the civil rights of students, invasions of privacy, and regulations applicable to children with disabilities to be waived.

Mr. President, the education community has identified the need for greater

flexibility to use Federal funds as major educational reform instruments. Since real educational reforms happen school by school, educators must be given the flexibility to use resources in new and creative ways to help the children.

Let me give you a few examples of regulations that are particularly egregious though sadly far from unique. It is ironic and sad that some of the most constraining regulations occur in programs for disadvantaged children. The pullout programs for Chapter 1 students offer a challenge by requiring programs, and sometimes facilities for students, which entail pulling them out of normal classroom reading instruction, for instance, to send them to receive separate, potentially stigmatized, reading instruction. Chapter 1 is the largest Federal program for educating disadvantaged children. Therefore, many children and teachers would be affected by allowing flexibility to provide special services integrated into regular educational programs.

Right now, Mr. President, believe it or not, it is illegal to use equipment such as computers that have been purchased for Chapter 1 programs for any non-Chapter 1 after school activity. That means that an adult literacy night school class held in the same classroom cannot use the computers in that classroom or the reading of the program. Certainly, flexibility at the Federal level can eliminate this regulatory straitjacket which local schools find themselves in.

A final example under Chapter 1 involves teacher's aides. Federal regulations require that Chapter 1 aides may perform noninstructional duties such as supervising recess if the regular teacher's aides do so. However, in small schools with no regular educational aides, Chapter 1 aides are not permitted to perform such duties. Thus, Chapter 1 teachers are used instead.

Ed-Flex, as we call our amendment, would enable Chapter 1 aides to free up the time of Chapter 1 teachers so that their time in school could be focused on teaching.

I have mentioned just a few examples. There are literally thousands more. And while there is a great deal of regulation at the State level, the Federal Government sponsors 70 educational programs each of which has its own set of regulations. Many of these are in place to ensure specific goals, and they were established for good reason and need to remain in place for the same reason others can and should be reexamined by opening the door to the States. I suspect they will show us where we need to focus our attention. I know my own State has some ideas in this direction. In fact, the States are way ahead of us on this issue.

Across the country today, Governors, State school officials, legislators, and

educators have recognized that in order to reach the ambitious America 2000 goals to encourage innovation and to reward success, regulatory flexibility is absolutely necessary. And they have begun to implement it. At least 18 States have passed legislation allowing for waivers for education programs at the State level. There are examples all over the Nation.

The Maryland Board of Education now holds schools accountable for what their students have learned and will waive selected State regulations that stand in the way of improvement.

The Texas legislature passed a bill to exempt districts from numerous State regulations in return for, and linked to, the improvement of student achievement.

Mississippi, New Mexico, and Tennessee have done the same.

Minnesota has developed the Nation's first charter schools which are exempt from most State regulation and district oversight. These schools allow certified teachers to create educational programs and operate innovative public schools which accept all eligible students and the schools are held accountable by monitoring student achievement.

The South Carolina Board of Education has rewarded schools with a history of superior academic achievement by freeing them from State governmental regulations governing administration and organizational arrangements.

Of course I cannot let this opportunity pass without mentioning my own State of Oregon. This year my State enacted the 21st-century school program, which is designed to restructure Oregon's schools. Any school in my State, with the approval of its district school board, may apply to become a 21st-century school and receive a waiver of State regulations. The State board of education has authority to waive all State statutes, rules, local policies, and agreements relating to educational practices with the exception of those that affect health, safety, or constitutional rights under our State or Federal law.

For example, school districts in Oregon can submit plans to limit or modify restrictions on the length and structure of the school day or the school year, the certification of teachers, the graduation or curriculum requirements.

This new program and its predecessor, the 20/20 Program, have been in effect for more than 4 years. Each year, additional schools apply to begin the restructuring process. Currently, 15 percent of the schools in my State are enjoying some sort of deregulation for their participation in this program. Oregon knows this concept works and wants help at the Federal level. The amendment I am offering today offers the beginning stages of the Federal relief it seeks.

These are just a few examples of the States taking the lead in regulatory reform and regulation. Today I hope that we here in the U.S. Senate, on a bipartisan basis, can rise to the occasion and support the thousands of good citizens of all political parties and convictions across the country who seek regulatory relief in order to proceed with the very serious business of improving our Nation's educational system.

I urge the full support of my colleagues for this worthy amendment and I am very grateful for the strong support on the bipartisan basis that we have achieved.

Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California [Mr. SEYMOUR].

Mr. SEYMOUR. Mr. President, I commend my distinguished colleague from Oregon for his leadership in proposing this regulatory flexibility amendment.

Mr. President, I think we all agree that our education system is not working. I think we will agree that our kids are getting cheated and that, as a result of a lack of quality education, we can for the first time in our history look forward to a generation that does not do as well as the last generation.

I know that is the way I was raised. Mom and dad worked hard and they wanted to see their kids do better than they had done. I think that spirit is still alive in America but we are asking our kids to achieve that with one arm tied behind their back.

What has happened over the years to education in one particular area that, in my opinion, has caused the diminishing quality of education is that we in Washington, DC, well meaning at times, have said: We know how to best educate those kids. Many times in the statehouses throughout this country Governors and legislatures have said: We know how to educate those kids.

Mr. President, I think we should all be aware that, although we have some ideas, we should look to those on the firing line, the teachers in the classrooms, the parents of the children, the principal in the local schoolhouse. They know what is best to ensure a quality education for kids.

I have my own version of the golden rule. My golden rule version goes this way: He or she who has the gold, rules. Therefore, in Washington, DC, and in Congress, as we make a financial commitment to local schools across America, we have, in great detail over the years, put in mandate after mandate after mandate, regulation after regulation, and the same thing has occurred in each and every one of the statehouses and State legislatures in our country.

Talking to a local school board member during our break, I was told that of their entire budget they had control over about 8 percent of their budget to determine how those kids, their kids,

would be educated. That is wrong. We have to clear out the bureaucracy and break the chains and realize that here in Congress we have to place some trust at the local level. At the same time we must hold them accountable for results, but do not tell them how to do every "i" and cross every "t" and spend every minute of the school hour with our kids. Let them be innovative. Let them have a chance. Let them be creative.

Senator HATFIELD, from Oregon, has given many examples I will not add to, other than to underscore the need to take this one step in this measure, in this very important bill, to loosen the bonds, remove the chains, remove the restrictions. Let us trust that those teachers in the classroom, the principal of the local school, the local school board, and above all the parents, know what is best for their kids.

Mr. President, I yield.

The PRESIDING OFFICER. Who yields time? The Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, I am strongly supportive of the amendment offered by the Senator from Oregon. My concern is that it is too timid, as currently drafted. The current proposal would provide for waivers, but would limit those waivers to 100 school districts in America. There are 16,000 school districts in America which vary geographically, demographically, economically, in their composition of students. In the specific programs that they are currently providing they are in the best tradition of American education which is decentralized, locally based.

We are saying we are prepared to give 100 out of 16,000, under very limited circumstances, the opportunity to apply for waivers of Federal requirements under specified Federal formula-allocated education programs.

I believe that timidity is inappropriate in the context of the reality of American education in 1992. There are three aspects of that reality. First, that a certain arrogance towards State and local educational leadership and administrative capability which in the past has emanated from Washington is no longer appropriate. And in large part, Washington can take credit for that. Over a number of years the Federal Government has had as one of its goals to enhance the competence of State and local educational agencies. Millions of dollars have been poured into programs that had that as its objective.

Today, Mr. President, I think we can declare victory. We have substantially enhanced the human quality as well as the administrative structure of most State and local school agencies in America. We have every right, therefore, to take both pride in what has been accomplished in this national effort at improvement, and to take the



next step of having the Federal Government utilize this increased competence in a way that will provide for more effective learning by our young people by allowing greater sensitivity at the school district and individual school and classroom level as to how Federal funds can most appropriately be expended.

A second reality of American education in 1992 is that there has been a significant shift in what we define as regulation. Regulation in the past has been very process and procedure oriented. The regional accrediting agencies, which have played a very significant role in standard setting in American education, have in the past largely focused on things.

They would go into a high school and measure the number of square feet in the gymnasium. They would go into an elementary school and count the number of books in the library. Not to say that square feet in the gymnasium or books in the library are unimportant, but those are not the objectives. The purposes of schools is not to build gymnasiums or maintain libraries, but to educate children.

The regional accrediting agencies have come to understand and implement in new policies a changed form of regulation. This is not deregulation. It is different regulation. And what has been substituted has been a focus on what it is we are trying to accomplish. That requires regional agencies and State and local agencies to ask some questions that, frankly, have not been asked typically in the past. And that is, What is it we want to accomplish in this enterprise called education? And by what standards are we going to evaluate whether we have achieved those goals?

That movement, from process and procedure and things toward performance and learning and change in children, has not been a movement that has said we are unconcerned and will abandon any efforts to understand what is happening. Rather, Mr. President, it is a statement that we are now going to be concerned and focus on what is really important.

I suggest that the amendment offered by the Senator from Oregon represents at the national level that same transition. This is not a proposal that would remove all regulations. Rather, it would say we are going to regulate by different standards, by asking those States and school districts which participate in this for a clear statement of educational goals and accomplishments, and we will at the national level evaluate whether you merit this continuation of this special treatment based on whether you are able to accomplish educational performance goals.

A third reality of education in America in 1992 is that it is in trouble. There is hardly a State or school district in

America today that is not struggling with very severe resource limitations.

If I could be personal for a moment, Mr. President, I have two daughters who have been public school teachers. One of those daughters has just temporarily retired because she has made me a grandfather for the second time with the birth of our granddaughter Caroline McCullough at 3:17 on Sunday afternoon.

Her sister continues to teach kindergarten in a school in Dade County, Miami, FL. In that kindergarten, Mr. President, she has the responsibility for a varying number of students, but it has averaged over her year and a half of teaching in the mid-thirties, a very challenging responsibility for a young teacher to have 35 5-year-olds who are beginning their education career.

That number of 35, Mr. President, is a very distressing thing for me, beyond the challenge that it poses on my daughter, because it is the same challenge that thousands of other teachers in Florida and other States are facing. It is, because I know and our State has understood in the past, by adopting policies to limit the size of the primary grade classroom, that it is difficult to impossible to achieve the potential of that solid foundation of learning which the primary grades represent with 35 5-year-olds in the classroom.

Why are there 35 children? Money, an inadequate amount thereof. School districts all over America are facing very severe economic restraints, and as legislators meet this spring, they will be dealing with even further budget reductions in education. Therefore, Mr. President, the third reality of education in 1992 is it needs our help. It needs to have some of the constraints that were imposed in the past in terms of procedure and process and things lifted so that resources can be used more effectively to accomplish the result that we all want, which is enhanced learning for children.

Again, we are not asking that all of the Federal concerns about how Federal money is spent be discarded, just that there be a different type of Federal control, a control on how well those children in my daughter's classroom and classrooms across the country are learning, and that that can be the standard by which the Federal Government determines whether it is appropriate to continue to provide Federal funds for these stipulated programs.

So, Mr. President, I strongly support the concept and the structure of the amendment offered by the Senator from Oregon, but I suggest that in light of the three realities that I have just cited—the decreased confidence of educational leadership at the State and local level, the shift in focus from process to performance that is occurring across education, and the severe economic constraints in which most State

and local educational agencies find themselves as we begin 1992—that it would be appropriate to go far beyond the very timid 100 out of 16,000 school districts that are proposed in this amendment.

So I hope that before we complete action on this amendment that there will be some serious, focused debate on what should be the extent of our willingness to make this shift from things to student learning as the basis of determining whether Federal funds are being appropriately expended. I am confident that at the conclusion of that debate, there will be a consensus among our Members that the number needs to be substantially higher than 100 out of 16,000 school districts in America who have the opportunity to participate in this new direction of Federal control over Federal expenditures in America's public schools.

Thank you, Mr. President.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Florida.

Mr. MACK. Mr. President, I rise in support of the amendment also, and I am motivated to do so because I am a father of two and have two grandchildren of whose future I am deeply concerned.

I think most Americans, most Floridians, recognize that the future of our children is going to be based on the education that they receive. In a time where most of us also recognize that the resources available to assist our public schools from the Federal level are quite limited, we ought to be asking ourselves the questions, How can we make those limited resources more effective and more efficient? Clearly the amendment that has been offered by the Senator from Oregon allows for a more effective and efficient use of those funds.

I, too, believe that the limit of 100 schools is way too small. I believe that is the case, because I remember a visit that I had just recently to a school in Dade County called South Pointe School—a truly innovative idea—a privately run public school. I do not believe there are many in the country. But what concerns me is suppose the ideas coming out of South Pointe School were the 101st or the 102d innovative idea that was offered in America in the sense of reforming our school system, and because of the limit of 100, those ideas, those innovations would not be allowed.

I am proud of what my State has been doing in trying to come up with innovative ideas. And those ideas are coming from teachers, they are coming from administrators, school boards, the State school system. And the thought that those ideas of innovation and change would be stifled because of this limit of 100—and my colleague from Florida mentioned 16,000 school districts. Saying it another way, there are

84,000 schools around our country, and I believe each individual school, each individual teacher should be encouraged to come up with ideas that can make education better and give our children a greater opportunity for the future.

So I rise in support of this amendment. But I, too, ask that we find a way to expand the number of schools eligible for this relief from regulation.

The last point that I will make, it is not just our children and those involved in the school systems that are concerned about this particular idea. It is, in fact, all segments of American society. All segments of American society recognize the importance of education, whether that be business or other ways for America to compete around the world. So everyone is concerned. I hear from people around my State who have told me. If you are not going to give us the resources to carry out the responsibilities and the mandates that you have given us, then you should release us from those mandates.

This is an interim step. This is saying, if you have ideas that require a waiver from regulations at the Federal level, it can be granted.

I know that the folks at South Pointe School in Dade County had indicated they could use further relief. They have been able to get relief from State regulations because of our State's ability to make those adjustments. We need to make those similar arrangements at the Federal level.

So, again, I rise in support of this amendment, and I hope we will have an opportunity to expand the number of schools that will have the opportunity to take advantage of this relief from regulation.

I thank the Chair.

The PRESIDING OFFICER. Without objection the time used by the Senator from Florida will be charged against the time controlled by the Senator from Kansas.

Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we have had the opportunity to both listen to and work with our good friend from Oregon and others on this issue of Federal and State regulation. A very important case has been made that we need to constantly review how regulations actually affect the substance and the outcome of what we are attempting to achieve in terms of strengthening the academic achievement of the young people in this country.

I think we have heard some of the examples of the egregious kind of situations that have taken place in realizing the potential of some investment under particular programs. When we had the Chapter 1 Program that was focused toward helping the disadvantaged chil-

dren, we found some school districts were using those funds for swimming pools and shoulder pads for the varsity football team and a variety of other uses which were not in fact helping and assisting the disadvantaged. The relationship between those uses and strengthening the academic achievement of those students was tenuous at best.

So these are the matters we want to attempt to balance. I think a very important case has been made not only about the limitations in terms of Federal regulations but also State regulations. My own sense about it is that there are more restrictions, more burdens, and more illogical conclusions resulting from State regulations than from Federal regulations.

Basically, what we are attempting to do is to work with the States or school boards or schools that are, in States which are prepared to change their regulations so as to facilitate the flow of resources from the State level as well as from the Federal level. To achieve the purpose of the legislation, we need to make sure that the Federal regulations targeted on those particular programs we are trying to help are not going to hinder that outcome.

It seems to me to be eminently good sense to attempt to do that in a fair way, to try to see if we as a Nation cannot benefit from those initiatives which are taking place in a number of different States—22 or 23 States. There are a few States that have made very significant and important advancements. And, certainly, it is our hope we can work out some language which will build upon that kind of initiative in the States and give a real opportunity to do an evaluation of this program.

So at the present time we are trying to work with the interested parties to see if we cannot achieve that outcome. Ultimately, whatever we decide here today will be further reviewed as we go into the conference. We want to give assurance to the Members on that particular score. But I have agreed—and I know other members of our Committee on Education, Senator PELL and others have agreed—that we ought to have a solid, representative experiment in this area, and we are in complete and wholehearted support of that.

I think now we are just trying to find the best and most effective way of doing that, whether it is just on particular schools or whether this might be, for example, with States that have made a statewide commitment in those areas. So I hope that we can come back to the Senate in the next few moments and be able to at least share some of the thoughts we have been able to develop. But I give the membership, those who are interested, the assurance we are making good progress and we are very hopeful we can continue to meet the general timeframe that has been outlined by the majority leader

for the conclusion on this amendment or amendments related thereto and begin to move on in the not-too-distant future to the hatch amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Oregon has 7½ minutes.

Mr. HATFIELD. Mr. President, I ask unanimous consent that Senator THURMOND of South Carolina may be added as a cosponsor to the underlying amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I yield back the remaining part of my time on the amendment.

Mr. KENNEDY. I yield back my remaining time, Mr. President.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. HATFIELD. Mr. President, I am going to submit an amendment in the second degree. I believe we have a 1-hour time agreement on any amendments in the second degree.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1475 TO AMENDMENT NO. 1474

Mr. HATFIELD. On behalf of myself, Senator KENNEDY, Senator PELL, Senator GRAHAM, Senator MACK, Senator KASSEBAUM, and Senator THURMOND, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for himself, Mr. KENNEDY, Mr. PELL, Mr. GRAHAM, Mr. MACK, Mrs. KASSEBAUM, and Mr. THURMOND, proposes an amendment numbered 1475 to amendment 1474.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 21, strike "not more than 100" and insert in lieu: "not more than 6 States, which have implemented comprehensive regulatory reform plans, and no more than 50 local educational agencies in each State."

On page 11, line 2, strike "not more than 100" and insert in lieu: "no more than 6 States which have implemented comprehensive regulatory reform, and no more than 50 local educational agencies in each State."

Mr. HATFIELD. Mr. President, I ask unanimous consent to add Senator THURMOND as a cosponsor of the amendment in the second degree.



The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, as we strive to find a consensus and understanding and agreement on the formula to be applied to this deregulation amendment, or this educational flexibility amendment, the amendment indicates that not more than 100 agreements or agencies may be entered into across this country by the Secretary of Education.

Through discussions and proposals that have been made that that should be a larger number, there has been a consensus developed now in this amendment, bipartisan, with Senators KENNEDY, GRAHAM, and PELL on the Democratic side, and myself, and Senator KASSEBAUM, Senator THURMOND, and Senator MACK on our side of the aisle, that we have come up with what we think is a preferable amendment formula. That is, that the Secretary of Education would be authorized to select six States on a national basis to be representative of the Nation, six States that have already entered upon this deregulation experience at the State level. There are 21 total out of the 50 that have done this. But there is a varying degree about how comprehensive they have gone ahead with that proposal at the State level. So the Secretary would select from that group of 21 a representative number of States—6 total, across this country—in which there could be entered into an agreement with 50 per State, 50 such agreements per State, through the regular process as described in the rest of the amendment. The secretaries of education, or whatever their title is at the State level, and, of course, with the Governor being a consultant to the process as well.

This, we feel, frankly, is an improvement over the amendment as originally offered, for it will give an opportunity to have a greater concentration within a State, and develop a data base there far more comprehensive than to spread 100 agreements out all over the country. In effect, we have 300 agreements under this formula, but with a restrictive number of States participating.

I know the question would be normally raised: Well, what if there were States more than six that the Secretary is authorized to select? Let us bear in mind that next year we will have elementary school legislation for reauthorization. We have a vehicle coming down the track, and the Secretary has committed himself. And, by the way, he has signed off on this new arrangement. The Secretary would be expected to have a base of data that he has gathered during this period of time so that we can readdress, revisit this formula if it is the political will of the Senate to revisit this formula in the coming year.

So, consequently, I think what we have here is that first step is far better

crafted than my original amendment from my perspective and a consensus by both Democrat and Republican participants with the idea that this is not locked into concrete and that this amendment in future legislatures or legislation and future Congresses can be readdressed.

Mr. President, I believe that describes the amendment in the second degree.

I again thank not only my colleagues, the Senators who have participated in this, but these marvelous staff people who surround us with such wisdom, judgment, knowledge, and data. I do not want to miss the opportunity to thank the staff who have helped us in this, in a very significant improvement on my original amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope the Senate will support the proposal of the Senator from Oregon. I believe that it achieves the objectives of his earlier amendment and in a way which will give those in the Congress and the Senate a better opportunity to understand the full implications of regulatory imposition both at the Federal level and the State level on our schools.

I congratulate him for his leadership and, as always, have enjoyed working with him.

I think it ought to be noted at this point in the RECORD that the State of Florida has been really a pioneer in terms of examining the impact of State regulations on education and to a great extent that is the result of the leadership of our friend and colleague, the Senator from Florida, Senator GRAHAM. I know that this has been an issue that he has spoken to on a number of different occasions and he has made some very important and I think powerful cases in support of his position.

So, we want to have a full opportunity to examine this concept. There have been a number of States, as I mentioned earlier, that have moved in this direction. There are a handful of States that have really moved I believe much farther than others in an attempt to examine their own State regulations, and obviously with the Federal Government making a judgment to attempt to pilot this program, it makes sense for us to work in tandem with what the States have done. We believe that this amendment will do so.

We are hopeful as a result of this review and this ability for the Secretary to make these judgments in terms of waiving the regulations along the lines of chapters 1 and 2 and others that Senator HATFIELD has mentioned and to gain the experience from that at the earliest possible time so that we can use that judgment in terms of future education programs.

One thing, I would just say in caution, is that we want to make sure that

we are not reacting as a sort of pendulum—at one time bringing all the regulations on and at another time taking them all off. We have seen at times where there have been abuses, and we have seen at times where the regulations have been such an encumbrance on the schools that they have been enormously counterproductive and destructive of what the objective of the program would be. It does seem to me this is a very constructive and positive attempt to really balance those interests.

I commend Senator HATFIELD, Senator GRAHAM, Senator MACK, and my other colleagues who have been working with us in this particular undertaking. I hope that we would be able to accept this at an early time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, I, first, thank the Senator.

The PRESIDING OFFICER. Who yields time to the Senator from Florida?

Mr. HATFIELD. I will. I yield 5 minutes to the Senator from Florida.

Mr. GRAHAM. Thank you, Mr. President.

I, first, wish to thank my colleague, the senior Senator from Massachusetts, for his very kind remarks and to congratulate him and our colleagues from Oregon, Senator HATFIELD, for their thoughtful consideration and presentation of this second-degree amendment.

I share their opinion that this enhances the ability of this extremely important proposal to accomplish its objective. By focusing on those States that have already moved the furthest in terms of their own internal shift, in terms of the forms of regulation, and then allowing Federal waivers to follow previous State action, we are most likely to reach the position that we will both stimulate other States to a similar consideration of returning power and empowerment to the classrooms and the schools and to give to this Congress the best data on how to proceed further in this movement from this regulation to performance of children in the classroom form of regulation.

I would make two observations and hopes at this time. One, Mr. President, is that the numbers that are in this amendment, 6 States, and up to 50 school districts in those 6 States, are frankly quite arbitrary. I have had some conversations with those persons in State organizations that might be in a position to evaluate the appropriateness of those numbers. And within the time constraints available today, they thought they were reasonable but were not prepared to give a stamp of certification that they were precisely right.

I would hope first that, as this legislation moves through the process,

those numbers would be looked upon as reasonable but not divine; that if we learn that eight States would be better than six States, that we would be flexible enough to adopt that type of modification.

Second, next year we are going to consider the Elementary and Secondary Education Act for reauthorization. This issue is likely to resurface again during that debate. I would hope that the responsible agencies at the local, State, and national level for implementation of this waiver of Federal process regulations will move with a sense of expedition so that come 1993 when we have that next debate we will have as much information as possible in order to make that an informed debate.

We might also consider asking agencies such as the U.S. Department of Education and the General Accounting Office to give an ongoing review to this process so we will have the benefit of their evaluation of how well this process has worked in order to enhance our ability to make good decisions in 1993.

Mr. President, I thank you very much, and again I commend the Senators from Oregon and Massachusetts and other States who have participated in shaping this second-degree amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank again the two Senators from Florida, Senator GRAHAM and Senator MACK, for having raised this question in the first instance. It was their concern because Florida was a progressive State, was far ahead of the game, that the base of that which could be derived from experience should be a little broader, and it was their efforts that led in great part to this modification.

Mr. President, I am ready to yield back the remaining part of the time on the amendment in the second degree at this time to the Senator from Massachusetts.

Mr. KENNEDY. I am prepared to yield back.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the second-degree amendment of the Senator from Oregon.

The amendment (No. 1475) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

• Mr. GORTON. Mr. President, I would like to express my full support for the efforts of the Senator from Oregon to ease the burden of Federal regulations. The Hatfield amendment addresses a problem that is endemic in Federal bureaucracies; overregulation. Unnecessary redtape is the least of problems

when the negative impact of overregulation occurs in our children's classroom.

The American public school system is overburdened by Federal regulations. For example, separate regulations and reporting requirements often result in Chapter 1 students being removed from a regular reading period, moved across the room, and placed in a Chapter 1 reading activity. This senseless interruption is dictated by regulations that harm, not help Chapter 1 students.

This amendment would allow the Secretary of Education to waive most statutory or regulatory requirements. In exchange for that flexibility, Federal grantees would be held accountable for achieving educational gains. Regulations that inhibit education could be waived in order to allow easier compliance with worthy, less burdensome regulations. Those laws and regulations which protect the civil rights and privacy of students and the rights of disabled students would not be waived.

People who dedicate their lives to teaching should not be required to spend half of their time as administrative lawyers. The goal of this amendment is to allow school personnel to focus their efforts on the education of children, rather than the interpretation of Federal regulations.

Mr. President, real education reform does not happen at the Federal level; it happens school by school. Teachers, principals, and parents must be empowered to make their school's operating decisions. When I meet with teachers and school officials, the message I hear over and over again is "let us do our jobs." This amendment provides schools the necessary flexibility to attain true reform and needed improvement. I urge my colleagues to vote for the Hatfield amendment. •

Mr. HATFIELD. Mr. President, I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon, as amended.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arizona [Mr. DECONCINI], the Senator from Iowa [Mr. HARKIN], and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from Washington [Mr. GORTON] are necessarily absent.

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 3 Leg.]

# YEAS—95

Adams	Fowler	Moynihan
Akaka	Garn	Murkowski
Baucus	Glenn	Nickles
Bentsen	Gore	Nunn
Biden	Graham	Packwood
Bingaman	Gramm	Pell
Boren	Grassley	Pressler
Bradley	Hatch	Pryor
Breaux	Hatfield	Reid
Brown	Hefflin	Riegle
Bryan	Helms	Robb
Bumpers	Hollings	Rockefeller
Burdick	Inouye	Roth
Burns	Jeffords	Rudman
Byrd	Johnston	Sanford
Chafee	Kassebaum	Sarbanes
Coats	Kasten	Sasser
Cochran	Kennedy	Seymour
Cohen	Kerry	Shelby
Conrad	Kohl	Simon
Craig	Lautenberg	Simpson
Cranston	Leahy	Smith
D'Amato	Levin	Specter
Danforth	Lieberman	Stevens
Daschle	Lott	Symms
Dixon	Lugar	Thurmond
Dodd	Mack	Wallop
Dole	McCain	Warner
Domenici	McConnell	Wellstone
Durenberger	Metzenbaum	Wirth
Exon	Mikulski	Wofford
Ford	Mitchell	

# NAYS—0

## NOT VOTING—5

Bond	Gorton	Kerrey
DeConcini	Harkin	

So the amendment (No. 1474), as amended, was agreed to.

[Disturbance in the Visitors' Galleries]

Mr. BYRD. Mr. President, may we have order in the gallery?

The PRESIDING OFFICER. The Sergeant at Arms will restore order in the gallery.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from South Dakota be given a few minutes or as many seconds as he needs to make a unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I will not object, I was unable to hear exactly what the situation was. I wonder if the distinguished Senator from Utah can tell me again. He has an amendment which has how much time on it?

Mr. HATCH. There is no time agreement on my amendment at this particular point. We are working to see if we can get a time agreement on our side.

Mr. LEAHY. Am I correct, Mr. President, in saying it is on another subject that the Senator from South Dakota will speak?

Mr. HATCH. I have no idea.

Mr. KENNEDY. The answer is yes.



Mr. LEAHY. Mr. President, I have no objection.

Mr. HELMS. I am in the same fix, Mr. President. I was talking to the distinguished President pro tempore. Would the Senator state the unanimous-consent request again?

Mr. HATCH. I just asked unanimous consent to give some time to the Senator from South Dakota.

Mr. HELMS. Very well. Sure.

Mr. HATCH. As I understand it, we have a unanimous-consent request or an agreed-upon amendment.

The PRESIDING OFFICER. Does the Senator from Utah make the request without losing his right to the floor?

Mr. HATCH. I do not care.

#### AMENDMENT NO. 1477

(Purpose: To provide for studies regarding distance learning)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DODD). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 1477.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 56, between lines 19 and 20, insert the following:

#### TITLE III—DISTANCE LEARNING

##### SEC. 301. DISTANCE LEARNING FINDINGS.

Congress finds that—

(1) distance learning technology can provide rural schools with interactive video capacity;

(2) distance learning can provide instruction in required or advanced, specialized courses in schools where teachers are not available or too costly to provide for a limited number of students;

(3) the rapid development of telecommunications technology has resulted in distance learning systems that are powerful, flexible and increasingly affordable;

(4) distance learning can offer an alternative to school closing or consolidation and help rural and urban schools satisfy their educational mandate;

(5) distance learning can help urban school districts overcome shortages in qualified teachers in subjects such as mathematics, advanced sciences, and languages;

(6) the key to success in distance learning is teachers and the use of distance learning is meant to be an enhanced educational tool for them;

(7) teachers must have training, preparation, and institutional support to teach successfully using distance learning technology;

(8) teacher accreditation associations need to encourage the use of distance learning technologies;

(9) Federal and State governments can promote distance learning projects by helping reduce the costs of necessary telecommunications services;

(10) because many educational needs parallel the needs of business, Government, and health care providers, there should be ample

opportunity to share the costs associated with research and development used in delivering this new method of teaching;

(11) distance learning technology can increase contributions to the goals of "America 2000", as established by the President;

(12) the Federal Government can encourage states to resolve contentious issues that are barriers to the use of distance learning, such as teacher certification and evaluation, and curriculum and textbook standardization;

(13) Federal funds now devoted to delivering educational services should include distance learning where it is cost effective;

(14) The Department of Education and the National Science Foundation should consider establishing demonstration sites for distance learning;

(15) distance learning is a growing force in private and public education; and States, localities, the Federal Government, and the private sector, all have a role in developing and implementing this education delivery system.

##### SEC. 302. DISTANCE LEARNING POLICY STUDY.

(a) STUDY.—The Secretary of Education in consultation with the Secretary of Commerce shall conduct a study of the issues involved in implementing distance learning. The study shall, among other issues, address—

(1) the incentives necessary for telecommunications common carriers to develop special pricing for distance learning projects;

(2) the desirability of Federal Communications Commission allocation of spectrum in order to encourage the development of distance learning technologies;

(3) the need to amend copyright laws to encourage development of distance learning technologies.

##### (b) COMPLETION DATE AND REPORT.—

(1) COMPLETION DATE.—The study described in subsection (a) shall be completed no later than 210 days after enactment of this Act.

(2) REPORT.—No later than 30 days after the completion of the study described in subsection (a), the study and an executive summary shall be transmitted to the Committee on Education and Labor, the Committee on Energy and Commerce, and the Committee on the Judiciary, of the United States House of Representatives; and the Committee on Commerce, Science, and Transportation, Committee on the Judiciary, and the Committee on Labor and Human Resources, of the United States Senate.

##### SEC. 303. DEFINITION.

The term "distance learning" means the transmission of educational or instructional information to geographically dispersed individuals and groups via telecommunications.

On page 56, line 20, strike "TITLE III" and insert "TITLE IV".

On page 56, line 21, strike "301" and insert "401".

On page 2, after item relating to section 212, insert the following:

#### TITLE III—DISTANCE LEARNING

Sec. 301. Distance learning study.

Sec. 302. Distance learning policy study.

Sec. 303. Definition.

On page 2, redesignate the item relating to "TITLE III" as the item relating to "TITLE IV".

On page 2, redesignate the item relating to section "301" as the item relating to section "401".

Mr. PRESSLER. Mr. President, I shall give a very brief explanation of this amendment, which I believe has been agreed to on both sides. This

amendment directs the administration to conduct a comprehensive study of the benefits of distance learning to bring to both private and public education.

As you know, Mr. President, distance learning is the use of the communications infrastructure to give educators and students access to information from any location. I believe distance learning will soon revolutionize the way we educate our children. Through the mix of Government regulation and free market incentives, our homes and businesses have been connected by the most advanced communications network ever built. Advances in communications technology soon will allow educators to fully utilize this network to access a new and exciting world of educational resources. Satellites, telephone lines, computer and data bases are among the tools educators will soon use to instruct their students. My amendment is designed to facilitate this education revolution.

The amendment does three things. First, the amendment outlines congressional findings regarding distance learning. It recognizes that the key to success in distance learning is teachers. We recognize that distance learning will not replace the teacher, rather it will be an enhanced tool for them.

Second, this amendment directs the Secretary of Education, in consultation with the Secretary of Commerce, to conduct a study of three issues involved in implementing distance learning. First, it would examine the incentives necessary for telecommunications common carriers to develop special pricing for distance learning projects. Second, it will address the desirability of Federal Communications Commission allocation of spectrum in order to encourage development of distance learning technologies. Finally, the study would address the need to amend copyright laws to encourage development of distance learning technologies.

At the forefront of the distance learning movement is the U.S. Distance Learning Association [USDLA]. I have worked closely with this group of educators and communications leaders in crafting this amendment. Many provisions of this amendment come from the USDLA's policy recommendations recently adopted at its National Policy Forum. This study will assist educational and telecommunications policymakers in making the proper choices.

In my lifetime, I have witnessed the development of a single tool that has brought America into the information age—the computer. When I was 20 and attending school at the University of South Dakota, a computer used to process basic algorithmic functions was roughly as large as this Chamber and cost millions of dollars. It required an army of engineers to maintain the

maze of refrigerated tubes and wires and a team of computer experts to operate the computer long enough for any work to be done. Much has changed.

Today, I can carry in one hand a computer with 100 times more power than those older machines. It costs less than \$2,000, and even I can run it. This trend toward faster, smaller, more powerful computers will continue into the 21st century. In fact, some predict that at the current rate of advances in microchip and transistor technology, within a decade a portable computer will equal the output of a Cray supercomputer and cost less than \$100. This explosion in computing technology soon will make the computer as affordable and ubiquitous as the telephone or television.

In fact, today we are beginning to see the technology that one day will allow the telephone, computer, and television to be merged into one telecomputer. Telecomputers will enable students to receive, store, and transmit voice, data, and high-definition video products. Using a telecomputer, an educator will be able to talk face to face with a pupil far across the country.

A calculus teacher living in Sioux Falls, SD, will be able to telecommute over a lightwave network to his classroom in Chicago, where he could talk face to face with his students and have immediate access to documents over a high-definition telecomputer screen.

Interactive video will allow many small rural schools to share the same teacher. Students in Draper, SD, could attend a physics course in Yankton with the professor lecturing, writing on the chalkboard, and answering questions over a high-definition flat screen TV.

Distance learning will also transform continuing education for adults. No longer will adult students be forced to shift working schedules, find a babysitter, and drive to a classroom miles from home. Students would choose what they wanted to learn when they wanted to learn it. Whether it is a lecture on English history in the 1880's or a demonstration on how to overhaul a diesel engine, students could receive the video package on their telecomputers in a burst of light, store it digitally, and replay it at their convenience.

Computer technology is proceeding at a pace that will soon make this vision of the future a reality. Yet, all the computing power in the world is useless if the information it produces cannot be shared with others. While microchip and transistor technology will soon make telecomputers a reality, some policymakers are fighting the idea of distance learning.

Mr. President, at the dawn of the Industrial Age, a band of English workmen called the Luddites destroyed industrial machinery. The Luddites be-

lieved this labor-saving machinery would eliminate their jobs and cause them great economic pain. What actually happened was an economic explosion that reshaped the entire economic and societal landscape. The fears that technology would limit opportunity proved to be unfounded as technology created new wealth and opportunity.

Today, at the dawn of the Information Age, there are many who fear the development of fiber optic networks. The technological Luddites of today say educators do not want or need the services that could be provided by distance learning.

Currently, this may be true. However, once distance learning begins to become a reality, educators will realize the potential of this new tool and will begin to develop many new educational services. The demand for these new services will further encourage the growth of distance learning tools.

Mr. President, we need to coordinate telecommunications and educational policy. The way we formulate policy today will have tremendous impact on the United States' ability to educate future generations of American students. Visionary thinking is needed to help unleash distance learning technology. This study will begin this process. I urge adoption of this amendment.

I believe the amendment has been agreed to and I urge its adoption.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Is there further debate? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are delighted to accept the amendment of the Senator from South Dakota. There is a very interesting study that has been done on this by the Office of Technology Assessment about a year ago, in which I think the Senator might be very interested.

As the Secretary addresses some of his concerns, the Senator might review that particular document.

Also, as the Senator well knows, there is a very successful distance learning program called Star Schools on which we spend about \$25 million a year. That has been in effect the last 3 years.

The Senator from Mississippi [Mr. COCHRAN] has been very much involved in that program. He and I have worked very closely. I think many of the young people in museums and libraries across this country, some 4 weeks ago, had the opportunity to see Mr. Ballard, who is, along with Cousteau, probably the greatest oceanographer, who did the surveys at the Galapagos Islands, and from 150 feet used a satellite that beamed the communications back to schoolchildren all over the length and breadth of this country.

It was really an extraordinary experience. The Museum of Science in my own city of Boston was absolutely flooded with young students from the

greater Boston school systems, all interested in science, in the whole range of different learning experiences from that area.

So we are delighted to accept the amendment.

Mr. PRESSLER. If I could add in response, I thank my friend from Massachusetts. The U.S. Distance Learning Association has looked closely at the study from OTA and has looked at the other items and suggested these additional things to fill in the gaps. I think that this would be a very useful addition.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HATCH. Mr. President, we accept the amendment and commend the distinguished Senator from South Dakota for his efforts. We are happy to urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from North Carolina.

Mr. HELMS. This is a first-degree amendment that the Senator has, is that correct?

The PRESIDING OFFICER. This is a freestanding amendment.

Mr. HELMS. Yes, I understand that. But this—

The PRESIDING OFFICER. First degree amendment.

AMENDMENT NO. 1478 TO AMENDMENT NO. 1477

Mr. HELMS. I send a second-degree amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1478 to the Pressler amendment 1477:

At the appropriate place add the following:

It is the sense of the Senate that when the Supreme Court considers the case of *Weisman v. Lee* [908 F.2d 1090 (1st Cir. 1990)] it should use that opportunity to reverse the Supreme Court's earlier holdings in the *Engel v. Vitale* [370 U.S. 421 (1962)] and the *Abington School District v. Schempp* [374 U.S. 203 (1963)] cases so that voluntary prayer, Bible reading, or religious meeting will be permitted in public schools or public buildings to the extent that student participation in such activities is not required by school authorities.

Mr. LEAHY. I ask for the yeas and nays.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask for the yeas and nays on the Pressler amendment.

Mr. LEAHY. I had already asked for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. The Pressler amendment is not now the pending business.

Mr. HELMS. I beg your pardon.

The PRESIDING OFFICER. The Pressler amendment—the matter before the Senate is the second-degree



amendment offered by the Senator from North Carolina.

Mr. LEAHY. I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second? At the moment there is not a sufficient second.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

### ECONOMIC RECOVERY

Mr. LEAHY. Mr. President, we are now in the 17th month of a punishing national recession. In Vermont, things are worse. The number of jobs in our State has been falling since 1989. People are out of work in Barre, Bennington, and Springfield, and the State budget crisis is the worst since the Depression. Nationally, more than 20 percent of our work force has been unemployed at some time in the past year. If the current recession lasts into the summer, as many expect, it will be the longest downturn since the 1930's. People are hurting, people are worried, and people are looking to Washington for help.

Yet for the last year and a half, the President's only plan has been to wait and hope and blame someone else. He has blamed Saddam Hussein, blamed Congress, blamed the Federal Reserve and blamed credit card rates. Meanwhile, the economy has been losing jobs, losing markets, and losing muscle. The American people are still waiting for answers.

The fact is that the chickens have come home to roost after a roaring decade of junk bonds, S&L fraud, and spending on a national credit card. Ronald Reagan claimed he could slash taxes, boost defense spending, and balance the budget at the same time. George Bush called this voodoo economics and he was right. But when the Reagan economic plan was put to a vote in 1981, I was 1 of only 11 Senators who said "no." Now we are paying the price.

We have the slowest growth since the Depression; our working wages are lower than a decade ago; our deficits are the highest in history; we have built up the world's largest trade debt; and our national savings has plummeted. These problems cannot be fixed by a \$300 handout or a day of shopping at J.C. Penney.

The American people understand this. They know our economy is on the wrong track. They are worried about their jobs, worried about their families, worried that the dream of a better future is in doubt. Our faith in that American dream is what has held this country together, given it its pulse, made it a magnet for the world.

So when we see our President go hat in hand to Japan to plead for trade concessions, we are distressed. When we hear a Japanese leader describe the

United States as "Japan's subcontractor," we know something is deeply wrong. This is not the America we grew up in. This is not the America we grew proud of. Eleven years with no economic leadership, no strategy for competitive growth, no plan for the future has taken its toll. It is time to start turning this around.

We need not and should not accept America's competitive decline. American initiative, American drive, and American know-how are alive and well. No one can match our creative talent.

Our challenge is to put this country back on the road to long-term prosperity and growth—not to imitate the Japanese, but to compete globally while preserving our American values—our small towns and small businesses; our commitment to clean air and clean water; our faith in the independent spirit that we Vermonters and all Americans cherish.

### THE SHORT-TERM PLAN

Our first order of business must be to get the economy moving and put people back to work now in ways that will enhance our prospects for long-term growth. I have no illusion that Congress or the President can wave a magic wand to end the recession. But we can help. We should launch an immediate program of increased public investment targeted on long-term needs like our crumbling infrastructure, with new spending offset by defense cuts, this year or next, so that we do not increase our crippling national debt.

The administration should cut through the redtape, and spend the funds that are already in the pipeline as quickly as our States can absorb them. I get the impression that some of the programs that we have already approved, and for which we have already appropriated money, are being held up to wait until we get a little closer to the election.

The people who are out of work are out of work today. They need jobs today, not a few weeks before an election. Let us put them back to work today.

I am pleased that, in December, President Bush announced his initiative to accelerate the spending of nearly \$10 billion in Federal programs, including many of the rural programs I mentioned. For Vermont, nearly \$15 million in rural housing applications sit on the desks of Federal bureaucrats. The administration could create 450 new jobs in our State by releasing those funds.

Second, to put America back to work, we should immediately make investments in rebuilding our infrastructure—the investments that make it possible for American business to compete efficiently in the world economy. There are thousands of bridges that need to be repaired, rural water and waste facilities that need to be built,

and rural electric systems that need to be upgraded. These projects can create hundreds of thousands of jobs in the short run and make our economy more competitive in the long run. We should use a major portion of the peace dividend to put Americans back to work and make our economy more competitive.

Third, we should extend unemployment insurance benefits for an additional 13 weeks. Corporate America may call it "downsizing", but the rest of us call it getting fired and it is likely to continue this year with a vengeance. Vermont's unemployment rate rose more than a point between October and November, the largest rise in the Northeast. As of this month, nearly 19,000 Vermont workers were collecting unemployment. We are not talking here about deadbeats who would rather take a handout. We are talking about hard-working Americans who deserve protection.

### A MIDDLE-CLASS TAX CUT

Let me say a word about taxes. A tax cut to pump up consumer spending, like the rebate proposed by the White House, is the dead wrong approach, since it would increase the deficit solely for consumption. But I would favor a tax cut for the middle class paid for by raising rates on the rich. Such a cut would not be designed to jump-start the economy or even to generate long-term growth. It would be a fairness cut plain and simple. The time has come to cast aside the Robin-Hood-in-reverse policies of the eighties and give hard-pressed Americans some relief.

### THE LONG-TERM PLAN

Our main economic focus, however, must be on the long-term. In the past, recessions have often been brief interludes in periods of robust growth, which resume as soon as the recession ends. Unfortunately, no one expects that to happen this time. The jobs lost at General Motors, IBM, and scores of other companies are not coming back soon.

To put America's economy back on top, raise our stagnant living standard, and create jobs for our children, we need to reverse the spend-and-borrow, future-be-damned policies of the last decade and commit ourselves to an agenda of investment and growth. That means investment in our people, investment in the arteries that carry our products and ideas, and investment in the new technologies that will create tomorrow's jobs.

These investments should be financed by cuts in defense spending of more than \$100 billion over the next 5 years. The cold war is over, the Soviet Union is dead, and the military threat to our Nation has been radically reduced. It is time to knock down the firewalls in last year's budget agreement and allow military funds to be spent for domestic needs.

We should not, however, knock down the walls of our environmental or safe-

ty regulations, as the White House is now suggesting. Just as we should reject an economic quick-fix that would hurt us down the road, we should reject an environmental sellout now that leaves us poorer in the end. As Vermonters have long understood, a healthy economy cannot be sustained without a healthy environment.

#### INCREASED SAVINGS

The starting point for a long-term economic program is increased savings. Without savings we cannot invest and without investment we cannot grow. It is that simple. And the biggest obstacle to national savings are the deficits run up by Presidents Reagan and Bush. These huge budget shortfalls have soaked up our savings and crowded out productive investment.

Fifteen percent of our national budget is now consumed by interest payments on the Reagan-Bush debt. Those payments do not feed or educate one child. They do not help a new family buy a home. They do not put more police on the street. They do not retrain a single laid-off worker.

To replenish our savings we should use part of our defense cuts to reduce the budget deficit.

In addition, I would expand IRA's, as Senator BENTSEN proposed last March, allowing withdrawals for first-time home purchases, college tuition, or major medical expenses. I would also support a proposal to give a tax break to people who invest in new enterprises and hold their investment for at least 5 years. Entrepreneurs create new businesses and new jobs. We should encourage those bold enough to take a risk and skilled enough to make it work.

#### INVESTMENT IN INFRASTRUCTURE

Our investment program must begin at the foundation. After two decades of neglect, our bridges and roads are falling apart, our highways and airports are on overload. In Vermont, some 500 bridges—many built after the flood of 1927—are substandard, closed, narrowed to one lane, or limited in capacity. No matter how effective workers may be at the Vermont Castings Co., they cannot deliver the goods efficiently over broken roads and battered bridges.

Last year, 33 American airports were tied up in over 20,000 hours of delays. A quarter million American bridges are structurally deficient or obsolete. And Americans spent over 2 billion hours in traffic jams.

For the U.S. economy, that means lost productivity, lower wages, reduced competitiveness, and fewer jobs.

As I have mentioned, we should start our infrastructure spending now, to give the economy an immediate jolt, and then continue it forward in the years ahead. The new highway bill is a major step in the right direction. It will pump over \$150 million into Vermont in the next 2 years, creating thousands of jobs.

But still more can be done.

We need to target additional infrastructure spending to rural America, a part of America that does not have a majority of votes but unfortunately seems to have the majority of needs.

One in four rural children live in poverty and this recession darkens their future even more. Affordable housing, downtown revitalization, and other needs are pressing in towns like Richford, Waterbury, and Bellows Falls in Vermont and in rural communities throughout America. Public investments like these create jobs now that strengthen our communities through safer highways, more efficient airports, better schools, and cleaner water. These improvements promote business growth and attract vital private investment.

#### INVESTMENT IN OUR PEOPLE

Our most important investment is in our people—in their health, education, and training.

#### HEALTH CARE

First, we have to bring our health care system under control. That system has become a financial nightmare, bankrupting our families.

Last month, I held town meetings all over Vermont—in Bennington, Brattleboro, Waterbury. I heard hard-working Vermonters say they are afraid one illness will strip them of what matters most—being able to provide for their families. We are paying too much for health care—Americans pay \$2,600 per person—and getting too little.

Older people who have paid their bills, paid their taxes, educated their children, and saved some money for their retirement, are now afraid that after decades of sacrifice one illness could wipe out everything they have sacrificed for.

Our health care crisis also subverts our economy. Every year, Medicare and Medicaid swallow a larger share of the Federal budget, crippling our ability to cut the deficit. And health costs sap our competitive strength. Those costs add over \$500 to the pricetags of American cars compared to Japanese competitors—all because Japan has a national health plan and we do not.

We need to change all this and we can. It is time for the President to be bold, to stop tinkering around the margins and to work with Congress on comprehensive health legislation—including my State Care proposal that would cut the redtape and free innovative States like Vermont to tailor health care plans to local needs.

#### EDUCATION AND TRAINING

On the education and training front, we are falling further and further behind our competitors even as newly created jobs require a more highly skilled work force. We cannot allow this trend to continue.

To begin with, we should spend more for Head Start, a proven program that

helps kids get off on the right foot. The President has proposed an increase, but we can do more. Today, Head Start reaches less than one in three eligible children. I have cosponsored legislation that would put every eligible child in Head Start within 5 years.

Second, we should concentrate on developing business/government programs to provide noncollege bound young people with the vocational and technical training they need to compete for high-skill, well paid jobs.

Third, we need to do more to ensure training and retraining for those already in the work force.

I hope we never see the day when America has to compete as a low-wage economy. Our strength lies in the productivity of our workers. We have to give them the tools to compete.

#### INVESTMENT IN KEY TECHNOLOGIES

We must also invest in innovation. High technology is the key to our future industrial strength. I have been working for years in the Judiciary Committee to make sure that our laws do not inhibit the ability of our high-tech companies to work together, and to ensure that our hi-tech products get maximum protection against all forms of piracy.

These measures are important, but they do not take the place of national policy and our national policy on civilian hi-tech has been a head-in-the-sand disaster. We may invent cutting edge products like VCR's, memory chips, industrial robots and liquid crystal displays, but the Japanese are taking the jobs, taking the profits, and laughing all the way to the bank.

It is high time that the White House stopped denouncing support for key industries as "industrial policy" and recognized that we have been taken to the cleaners in the past decade because we refused to plan and declined to fight.

We should make the temporary tax credit for research and development permanent; lift the legal barriers on joint manufacturing ventures, as I have urged in pending legislation; foster strategic cooperation between government and industry in the development of key technologies; and expand our manufacturing extension program, so tens of thousands of small businesses, in Vermont and around the country, can get the benefit of new advancements in high-technology manufacturing.

Instead of wasting billions on white elephants like the B-2 bomber or the superconducting super collider, we should use those funds to produce more competitive bang for the buck.

#### TRADE

In promoting our products abroad, we have to demand open markets. Free trade is the ideal, but we cannot open our lucrative market to competitors who shut us out. When countries raise barriers to our goods, try to capture our market by dumping their products



below cost, or wink at pirates who rip off our high-technology inventions—we can and should strike back.

We should also make better use of our foreign aid to enhance exports, an effort I have pressed since becoming chairman of the Foreign Operations Subcommittee. The Japanese and Europeans aggressively use foreign aid to expand their export markets. We need not imitate their tactics, but we should treat foreign aid as an investment in new trading partners that can pay economic as well as political dividends. Every \$1 billion in additional U.S. exports generates 19,000 American jobs.

#### CONCLUSION

We can reclaim our American dream of prosperity and progress in Vermont and across America, but not overnight and not without work. We need to face up to our problems and take action. Economic strength, in this new post-Communist world, will become the currency of global leadership. If we hope to keep America on top, to raise our living standard and to give our children a better world than the one we found, we are going to have to invest in our businesses, invest in our people and invest in our future. Now is the time to begin.

Mr. President, like so many others, I grew up at a time when my parents told me that each generation has a responsibility to make a better world for the next generation.

How many people can look a generation of 20-year-olds in the eye today and say, "Of course, it is going to be better for your generation than it was for ours"?

Can anybody here say that a generation from now we will be better off if we are unable to compete with the European Community or with Japan?

We have to be able to retain our economic strength and retain the health and prosperity of our own people, if we are going to be able to hold out the shining light of democracy to the rest of the world. We are at a very crucial time now. We ought to ask ourselves, what can we do to better compete? What sacrifices are necessary? What bold, innovative thinking is necessary? It's time to begin answering these questions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2151, S. 2152, and S. 2153 are located in today's

RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(Mr. LIEBERMAN assumed the chair.)

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

#### STRENGTHENING EDUCATION FOR AMERICAN FAMILIES ACT

The Senate continued with the consideration of the bill.

Mr. DODD. Mr. President, I want to begin briefly here by expressing my appreciation to the managers of this bill. I am pleased, as I think all of us are, that the manager of the legislation has been able to reach a compromise on several of the thorny issues confronting us. My hope would be, as we move forward in considering this legislation that we will seek what has been historically a bipartisan consensus on our commitment to do as much as possible to invest in education, one of the most critical areas of this Nation's future.

This year, I am sure will have debate about whether or not you want to have the middle-income tax cut, or whether or not you are for capital gains, or a research and development tax cut, or investment tax credits. There will be extensive debate over the remainder of the year about whether or not those various elements will contribute to economic growth in this country.

But I believe that there is a consensus on one absolutely essential element to economic growth—a population that is educated and trained well enough to meet the challenges of the 21st century.

Mr. President, in the next decade less than 1 percent of all new jobs in this country—less than 1 percent—will be available to people with less than a high school diploma.

And as the years go by, even that number will shrink dramatically. So obviously, what we do in these next few days, what we do in the coming year and years ahead in terms of improving the quality of education will in no small measure really determine whether or not this Nation is going to be prepared to face the economic challenges of the 21st century.

If we do not pass a capital gains tax program this year, it may not be great news, but we will survive. If we do not provide a middle-income tax break this year, it is bad news for a lot of people, but we will survive. And I could go on down the list, Mr. President. But if we fail to commit ourselves to educational excellence in this country and to commit ourselves to improving the quality of our schools, then all the other things we want to do, in my view, will be almost for naught.

Mr. President, I am hopeful that we will go forward, that the kind of consensus and bipartisanship that we have witnessed already will carry us forward

with the rest of this legislation, and that we will get a bill to the President's desk as soon as possible.

Mr. President, let me just share some statistics. I do not need to share them with the Presiding Officer today because my colleague from Connecticut is fully aware of the conditions in our own State of Connecticut. Yet as I cite these statistics about Connecticut, they could easily be applied to other jurisdictions as well.

Connecticut is a relatively affluent State. I say "relatively." We have historically, over the last decade or so, had the highest per capita earnings of any State in the country.

But I must point out to my colleagues that New Haven, Bridgeport, and Hartford rank in the top 10 of the poorest cities in America with populations over 100,000 people. So, while you have, on the one hand, tremendous affluence statewide, you have the 4th and 7th, and 10th poorest cities in the United States on the other.

In the State of Connecticut only one in four eligible children receive Head Start. Of children in school nationwide, 24 percent drop out. In inner cities, this figure approaches 60 percent. With that statistic alone, I should not have to say anything more. Twenty-four percent of our students in high school are dropping out on the average; 60 percent in our inner cities. If you look at our major competitors in the Pacific rim and in Europe, the dropout rates are on average about 1 percent.

If this trend continues for the next 10 years, you do not have to be a brain surgeon to figure out that this Nation is just not going to be in a position to compete. We cannot expect to produce the technology to sell in the international marketplace with a dropout rate of 24 percent.

Not only are we failing to secure a future for our children, but, also, the future of our own economy. It has been said we must raise our standards of performance or lower our standard of living.

Reform in our educational system is absolutely overdue, and certainly educational reform has moved to the forefront across this country, and that is the good news. What used to be a subject of esoteric debate at academic conferences is now a subject at chamber of commerce round tables, candidate debates, and, I am glad to report, even at the White House.

Parents and educators across the Nation are not just contemplating change. In many communities they have already moved to implement important reforms. In my State of Connecticut, a State mastery test to measure the State's academic progress has been in use for 5 years. In New Haven, all public elementary schools have adopted the Comer Schools Improvement Program with a renewed commitment by parents and educators to help

their children achieve. Connecticut universities and businesses recognize that they can make a difference and have joined with public schools to develop collaborative programs. In Danbury, CT, schools and businesses have developed a program which brings business employees into schools to tutor students and to provide teacher training. Yale University, the University of Hartford, and Connecticut College are three examples of universities that are working with our public schools on a daily basis.

It seems to me that the creativity which needs to be brought to the reform effort is always out there in our local communities, in our local schools. Our aim at this level should be to facilitate this movement. With State budgets straining to meet the basic needs of citizens, now Federal resources targeted to assist in school reform would go a great way to helping States and communities move ahead to strengthen their schools and enhance student achievement.

Polls have pushed education to the top of the political agenda in 1992, and perhaps now we can make some headway in identifying a meaningful way for the Federal Government to participate in that reform movement.

In this regard, I am pleased to be an original cosponsor of the legislation before us, the Neighborhood Schools Improvement Act. It is highly appropriate that educational reform is the Senate's focus of attention this week, the first week we return for the last session of this Congress.

This bill now before us outlines the Federal Government's commitment to the reform of our public schools. This measure does not create new Federal mandates or regulations. It is not a handout, and it is not a new entitlement program.

This act codifies six national education goals and targets the year 2000 for the attainment of these goals. These goals identify targets for school readiness, student achievement, school completion, family literacy, lifelong learning, and for safe, disciplined, drug-free schools.

The national education goals are not meaningless promises. They are central to the design of this bill. We have 8 short years in front of us to reach the national education goals, and this bill sets a flexible system of Federal support for communities across the Nation, working to meet these ends.

This bill will provide each State education agency with funds to award competitive grants to schools across the State. To apply for these funds, our local schools, in conjunction with parents and community leaders, must design school restructuring plans and identify how these reforms will benefit student performance. Accountability is ensured as continued funding of each program will be contingent on progress

toward those goals. Additionally, to provide States with added flexibility, this bill gives States the option of applying for waivers for funding to pursue other broader reform initiatives such as public school choice, teacher training, or the establishment of New American Schools.

Essentially, each community is being given the resources to formulate its own reform plan. The approaches will obviously be different, and they should be different, to meet the needs of each individual community. Through this bill, I believe that we can tap into the work that is already being done in neighborhoods around the Nation as well as provide incentives for other communities to undertake reform in their own schools. With this measure we can assist Comer schools in New Haven, CT, Sizer schools in 23 States, and even New American Schools in those jurisdictions where they will be located.

In effect, this bill is an invitation to communities around the Nation to develop their own solutions.

I want to emphasize this approach. Nothing incorporated in this legislation that I know of was an idea that originated in this town. Historically, we think of Washington as a sort of brain trust with ideas which we somehow foist, in some instances, on the people of this country. This legislation is exactly the reverse of that process. What is incorporated in this bill is the creativity, the imagination, the ingenuity, the tested ideas of the local communities of America.

That is a revolutionary idea, something that is long overdue. In my view over the last 10 years, we have seen very little happen in a creative way in this city, the Nation's capital, in the area of education. But across the country, local folks, local school boards, teachers, and parents, have been involved in trying to come up with creative ideas. And this legislation is basically an embodiment of that effort. We endeavor to provide communities with what we hope will be sufficient resources to make it possible for these ideas to be tried and used effectively.

This legislation sends the right message, I believe, to public schools around the Nation. It affirms our commitment to public education. Eighty-eight percent of all the students in America attend public schools and our goal and our job is to see to it that public education is enhanced and improved. That is our responsibility.

We have not lost our faith in public schools nor, I hope, have we surrendered because in certain areas public schools are not working well. Nearly every week for the last 10 years, I have visited one public high school in my State. Last week I was at Newington High School and Ansonia High School. I also attended Weaver High in Hartford to celebrate Martin Luther King, Jr. Day with some 2,000 students.

Many of our schools and many of our communities are doing remarkable things. Unfortunately, in some of our cities, the school performance is not at the level it ought to be. The question has to be what do we do? Do we walk away? Do we say I am sorry, we give up, we no longer are going to try to do anything to improve what is happening or not happening in these places? Or, do we decide we can do better and take some of the ideas that have been tried across the country and encourage that kind of involvement and that kind of participation?

I hope, as tempting as it may be, that we will not walk away from public education. I have a sister, Mr. President, who teaches in the largest elementary inner-city school in the State of Connecticut, the Fox Elementary School. I have a brother who teaches at Georgetown University, and three of my father's sisters taught for 45 years apiece in the public school system of Connecticut. They believe in public education.

My sister, who teaches in early childhood development programs, deals with children who come to a classroom deprived of what good parenting ought to provide. Her job has expanded. She is no longer just a teacher. She is a social worker, a religious leader, she is a cop, she is a drug-enforcement officer, she is a parent guidance counselor. Her job as a teacher has expanded since the days in the 1960's when she chose education as a career.

Today we ought to try to make it possible to let her get back to what she was doing before, that is being a good teacher. Unfortunately, that is not the condition out there. Our choice has to be made. Do we address the problem? Do we aggressively take it on? Do we believe we can do better? Or, do we walk away?

I think it is a critical question, and I am hopeful that my colleagues will remain committed to trying to improve our public educational system in this country. It is essential that be the case.

Mr. President, I commend those who have been involved in this effort over these many months, particularly Senator PELL of Rhode Island, who chairs the Education Subcommittee of the Labor and Human Resources Committee, Senator KASSEBAUM, Senator COCHRAN, Senator MITCHELL, and obviously Senator KENNEDY who has chaired the full committee and has been involved in these issues for the past 3 decades.

S. 2 is only part of the solution, although I think most of us would agree a very important part. The national education goals are quite broad and to meet them our efforts in the education arena must continue. Certainly all of us want to be a part of the effort for full funding of the Head Start Program. We must also move ahead in the



reauthorization of the Higher Education Act as well as the reauthorization of the Office of Educational Research and Improvement.

Mr. President, S. 2 puts in place a flexible, innovative system of potential significant benefit to every school, every community and every student in our great country. As I said at the outset, Mr. President, it is not the silver bullet to economic expansion and growth, but I would argue strenuously that every other idea, as well-founded as it may be, that excludes a commitment to elementary and secondary education is an idea that will only have a very minimal positive impact. Education is the essential element.

Thomas Jefferson, almost 200 years ago, said any nation that ever expects to be ignorant and free expects never to be what it was and ever what it can possibly be. Certainly that was true in the early part of the 19th century, and as we stand here today, 8 years before entering the 21st century, that idea must once again be embraced by all of us. So I urge the adoption of this legislation, Mr. President. I yield the floor.

• Mr. HARKIN. Mr. President, as we consider S. 2, the Neighborhood School Improvement Act I would like to offer a few comments on the importance of education.

Education is vital to the long-term economic growth of our Nation and the well-being of our children—our future. With the end of the cold war, our ability to compete effectively in the international marketplace is just as important to our national security as prowess on the battlefield.

Our future economic growth requires investments in our human resources, like those recommended in this legislation, to make our people the smartest, healthiest, and most productive workers in the world. This means making investments in education a top priority and demands a sustained commitment from the Federal Government to improve our Nation's educational system. The Neighborhood School Improvement Act authorizes additional Federal resources for public schools to improve student achievement and help us reach the education goals we have set for our Nation.

Throughout the past decade, the Federal share of school funding has declined. In 1980, the Federal Government contributed 10 percent of elementary and secondary school revenue but today the Federal share is 5.5 percent. I think we are moving in the wrong direction and it is time for a change.

We hear from the nay-sayers that we do not have the money for education. I say that is wrong. The United States is the wealthiest nation on this Earth and if we have the will, we can find a way. It's just a question of priorities.

The 1990 budget agreement is a major impediment to making this necessary investment in the human resources of

this country. That's why I offered an amendment last September to transfer \$3.1 billion of unobligated funds from the Department of Defense to vital domestic programs, including Chapter 1, Pell grants, and Head Start. Since I offered this amendment, my resolve about breaking the budget deal has only grown stronger.

The world has changed dramatically, but we continue with business as usual. We continue to spend billions to defend Europe from a nonexistent Soviet threat but cannot devote the resources to our immediate educational needs. Chapter 1 serves about half of the students who need help, just one-third of eligible children attend Head Start and middle income families cannot get Pell grants. We know these programs work, we know they are sound investments, but we cannot fund them because we waste money on star wars. I say, enough is enough.

We need to go back to the budget drawing board and recognize that the real threats to our national security are not half way around the world, but just down the street.

But improving our schools is not just a matter of resources. The Federal Government must work with our local school districts to make our schools better. S. 2, the Neighborhood School Improvement Act moves to strengthen the Federal partnership with elementary and secondary education. The bill provides much needed financial assistance to States, local school districts and neighborhood public schools to implement education reform activities for all students, including students with disabilities. This grant program will help thousands of public schools to implement reform activities while requiring improvement in student achievement.

Neighborhood school improvement grants can be used in a variety of ways and I would like to note just a few. Schools can purchase textbooks, computers or lab equipment; schools can provide additional teacher training, hire teacher aides or implement site-based management programs; and most importantly, schools can implement comprehensive and continuous early childhood education programs.

The No. 1 national education goal states that by the year 2000 all children will start school ready to learn. I believe this goal is the foundation for achieving the other five and we need to focus attention in this area. Quality prekindergarten education programs are cost effective and I am pleased that Neighborhood School Improvement Act funds can be used for this purpose.

We know that a Head Start participant is more likely to graduate from high school and is less likely to end up in jail or on welfare, but not all eligible children participate. The Children's Defense Fund estimates that every dollar invested in high quality preschool

education programs like Head Start saves \$4.75 in future costs.

Head Start is a wise investment in the future of our children and as chairman of the Labor, Health and Human Services Appropriations Subcommittee I have demonstrated my commitment to making these investments. Since 1989, Head Start funding has increased \$966 million. I rejected the budget recommendations made by President Bush that would not mean full funding of the program until 2050. Our kids cannot wait that long.

This week we found that George Bush made another election year discovery—Head Start. President Bush announced that his budget will include an additional \$600 million for fiscal year 1993 for Head Start, six times more than requested last year. While I commend him for this discovery, I find it somewhat ironic that just last year his administration threatened to veto our fiscal year 1992 Labor, Health and Human Services appropriations bill if it contained my transfer amendment which would have, among other things, increased Head Start by an additional \$900 million.

Achieving all of the national education goals is important, but the first goal, making sure all children start school ready to learn must be a priority. Head Start and WIC should be fully funded. We must also expand our investments in cost-effective programs for childhood immunizations and the maternal and child health care block grant to ensure that children are healthy and ready to learn when they begin school.

As chairman of the Subcommittee on Disability Policy I would also like to comment on the implications this legislation has for students with disabilities. The Neighborhood Schools Improvement Act seeks to improve the quality of education for all students and this most certainly includes individuals with disabilities.

On July 26, 1991, we celebrated the first anniversary of the Americans with Disabilities Act, historic civil rights legislation which for the first time granted Americans with disabilities equal access to the American dream.

ADA is important because it includes fundamental principals for the development of a national education policy. ADA is about breaking down attitudinal and artificial barriers that prevent people with disabilities from participating in the mainstream of American life. ADA means that persons must be judged based upon abilities and qualifications, not on the basis of fear, ignorance, or prejudice.

Under the ADA, persons with disabilities will live in their own homes, work in their own communities, play, study, and learn in regular schools in their own neighborhoods like other citizens. ADA empowers people to make choices

and creates a framework for inclusion, independence and self-determination.

Section 504 of the Rehabilitation Act of 1973 requires equal opportunities for all individuals and public school choice programs implemented under this legislation, must be available to students with disabilities, including lesser known and newly emerging disabilities, and students with severe and multiple disabilities.

The National Education Goals seek to improve educational achievement for all students. The ADA will, inevitably, lead to heightened expectations for persons with disabilities and their families. If our educational systems are not staffed appropriately, or otherwise prepared to meet these new expectations and demands at all levels, serious problems and conflicts will result. And more importantly, our national education goals will not be achieved.

The needs of students with disabilities, including lesser known and newly emerging disabilities, and students with severe and multiple disabilities, must be addressed as an integral part of all aspects of educational reform proposals. Regular school teachers, administrators and other school leaders need to incorporate effective methods and strategies for teaching children with disabilities in regular programs with supplemental aids and services. In addition, better communication between special education teachers and regular classroom teachers as well as other school personnel is essential if the promise of ADA, that individuals with disabilities are provided the opportunity to lead proud, productive lives in the mainstream of our society is to be realized.

I expect that issues related to teacher preparation and development in reference to students with disabilities will be addressed during the reauthorization of the Higher Education Act.

ADA mandates the acceptance of diversity. We are not all alike, and should be treated as individuals. Society must come to understand that persons with disabilities have abilities as well as interests and preferences, just like their nondisabled peers.

In sum, under ADA "independence" and "inclusion" are now recognized as basic civil rights.

In conclusion, Mr. President, a well-educated citizenry is vital to a strong democracy and economy. This bill moves to strengthen U.S. public education which in turn will strengthen our international competitiveness. The Neighborhood School Improvement Act has my support and I urge its passage.●

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, before I get into my remarks, let me just commend my colleague from Connecticut who has taken a real interest in this field of education and providing opportunity for everyone. Not simply edu-

cation in terms of quantity but education in terms of quality and seeing that we have foreign language opportunities for students and other things. I deeply appreciate the leadership he has provided, not simply for the State of Connecticut, but for the people of the Nation.

Mr. President, my understanding is that the pending business is the Helms second-degree amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMON. Mr. President, I understand the sincerity of those who offer this amendment and I respect that, and the Senator from North Carolina is my friend. We differ on a great many things, but let me just say as a personal digression here, there is no Member of the U.S. Senate who is friendlier to people, and I am not just talking about people from North Carolina, but also my constituents from Illinois and elsewhere. He goes out of his way to be a gentleman to these people, and I appreciate it.

I understand the motivation for the offering of this amendment, but I have serious concerns about it. When I say I understand the motivation, my father was a Lutheran minister and my brother is a Lutheran minister, but I think we have to be very, very careful about having our public schools do what our homes and our churches and our synagogues ought to be doing.

Since 1971, we have had the Lemon standards growing out of a case, *Lemon versus Kurtzman* in the U.S. Supreme Court. The Lemon standards have served this Nation well. The Lemon standards are: First, does any particular action have a secular purpose? Second, is its effect to advance or inhibit religion, either way? And third, does it excessively entangle government and religion?

Those standards have worked well and under those standards, we have been able to do limited things. A school lunch program, for example, does not advance a secular purpose, does not entangle government and religion. It serves a secular purpose. And so we have school lunch money that is available to nonpublic schools. But I think we have to be very, very careful, particularly as you move into elementary and secondary schools. At the university level, it is a different thing because you are dealing with more mature people, and so we will have Federal aid to students who go to Notre Dame or Southern Methodist or Brandeis, and they are at a level of maturity where they can make decisions on their own. But for a fourth grader or a second grader, that is a very, very different thing.

I am in no way denigrating the important contributions that many of our nonpublic schools make.

I would like in some way, at some point, to be able to assist particularly

schools that need help in the inner-city of Chicago or East St. Louis in that kind of a situation, but I think we have to approach it with great care and it has to be worked out very carefully.

Let me give you an illustration, Mr. President, that perhaps you can understand more than most. I had a conversation when this issue came up in the House, and I was serving in the House, and I talked to my colleague, Congressman DAN GLICKMAN.

He told me that when he was in the fourth grade, they had voluntary prayer, and every morning little DANNY GLICKMAN was excused from the room while they had prayer and then he would be brought back. Every morning little DANNY GLICKMAN was being told: You are different, and all the other fourth graders were being told he was different.

That should not happen in a democracy. We have to be very careful. The separation of church and state—that is not the Constitution—is a phrase that Jefferson used. That separation of church and state has served this Nation well, and I think we have to be very careful before we take steps to nibble away at that separation.

I see my friend from North Carolina has come on the floor. I was just talking about the Senator before, a minute or two ago, I say to my colleague from North Carolina.

Mr. HELMS. If my friend will yield, I thank him for the kind comments that he made. I understand that he does not agree with me on the prayer amendment.

I am tempted to ask him some questions about the statements he has just made. Will the Senator permit me?

Mr. SIMON. I am pleased to yield to my colleague.

Mr. HELMS. It was in 1962, I say to the Senator, that the Supreme Court made a fatal error and it was done at the behest of a woman who was then named Madalyn Murray. She later married and became Madalyn Murray O'Hair. Madalyn Murray had a son. His name is Bill Murray and he was the young man used as the pawn in a calculated chess game to get the U.S. Supreme Court to ban school prayer.

Bill Murray is now a good friend of mine, and we must remember that Bill was a little boy in 1962. Bill Murray loves his mother, but he has spent the last 10 or 15 years going around this country apologizing for what his mother did. His mother was, and is, a declared atheist. Bill Murray will tell you, as he has said in many parts of this country, that the people who persuaded his mother to take the action using him as a pawn were Communist Party functionaries—and he has identified the people who came to his mother's home and consulted and advised her as to how to proceed with her school prayer case.

Now, the allegation has been made that great damage would be done if the



Supreme Court restores constitutional permission for school prayer—the situation that existed when I was in school, and I imagine when the Senator from Illinois was in school. I must say I find it hard to reconcile such assertions with reality. To the contrary—and I say to my dear friend and next-door neighbor in the Dirksen Building of the Senate—that the discipline situation in the schools of America began to deteriorate with the Supreme Court's school prayer decisions in the early 1960's.

School officials all over the country have been intimidated by those Supreme Court edicts for almost three decades. Some school officials have gone overboard in their enforcement of those decisions. I speak as the father of a school principal. I wish the Senator from Illinois could sit down with her sometime and hear her tell of the difficulties plaguing the schools.

I will simply say to the Senator from Illinois, who is my friend, and who is one of the nicest guys I have ever known—and I say that most sincerely—the overwhelming majority of the people of the United States agree with what the pending amendment proposes.

Mr. President, all I am asking for is a vote. If I am voted down, fine. If I win, so much the better. But I find it rather remarkable that the action of the Senate on this education bill has been brought to a screeching halt simply because a little old second-degree sense-of-the-Senate amendment was offered by the Senator from North Carolina.

I thank the Senator for yielding to me, and I will answer, if I can, any question he wants to pose.

Mr. SIMON. Yes. If I could respond and then ask one question to my colleague from North Carolina.

Mr. HELMS. Surely.

Mr. SIMON. First, in response, let me say that the 1962 decision was prior to the 1971 decision where the Court has established the Lemon standards which generally I think most people find are acceptable standards.

In terms of what the Communists may have been trying to do, Thomas Jefferson was not a Communist, James Madison was not a Communist. They saw that it was desirable to keep a certain distance and not have the church too much dependent on the State, nor the State too much dependent on the church, or the two intertwined.

But I mentioned—I think this may have been before the Senator came on the floor—my colleague who still serves in the House, Congressman DAN GLICKMAN. The Senator talks about voluntary prayer. They had voluntary prayer in Wichita, KS, when he was in the fourth grade. He happens to be Jewish in a community that is overwhelmingly non-Jewish. Every morning in the fourth grade he was excused

while they had that voluntary prayer, and then when the prayer was over he was brought back. Every morning he was told you are different from the other students.

Mr. HELMS. Did they use those words, really? Did they tell that little boy, "DAN GLICKMAN, son, you are different"? Does the Senator really believe anybody in the school system said that?

Mr. SIMON. I do not know that anyone said it, but that was clearly the implication.

Mr. HELMS. He can deal with that implication.

Mr. SIMON. In any case that is not the direction we ought to be going.

Now, when the Senator says that this amendment has brought things to a screeching halt, I just heard about the amendment and came over to the floor. I do not know anything about a screeching halt. I am willing to vote on it right now.

Mr. HELMS. Good.

Mr. SIMON. But I also have to say to my friend from North Carolina I think the national interests will be served by the defeat of his amendment rather than the passage of his amendment. And I also believe the cause of religion in this country is served by the defeat of this amendment rather than the passage of this amendment, because we have learned historically that separation of church and state—and it is not completely separate. When the Methodist church is on fire, you call the fire department. So there is not an absolute separation of church and state. And Jefferson went a little too far when he called it a wall of separation. But that we not have too much entanglement between religion and the government I think is a healthy thing for this Nation. I respect my colleague from North Carolina, but I differ with him.

Mr. HELMS. If the Senator will yield further, I respect my colleague from Illinois, but I differ with him. The Senator's problem is not with me, but with the 70 percent of the American people who disagree with the Senator from Illinois.

I will say further that perhaps it would be useful to read some of Jefferson's comments later in life. In the first place, he was not talking about prayer in school when—

Mr. SIMON. That is correct. We did not have public schools in that form at that point.

Mr. HELMS. That is correct.

How is it, I would ask the Senator, that all of a sudden in 1962, it became such an abomination?

I think a lot of strawmen were constructed and the Court made a wrong decision. And the schools of America have paid for it. The schoolchildren of America, if the Senator will permit me, have paid for it through an erosion of moral values and discipline, and the

almost endless litany of plagues now afflicting the schools. I feel sincerely that way, but I will accept the outcome of the Senate vote.

However, I do find it rather remarkable, as I said earlier, that we heard expectations earlier this afternoon that we were going to finish this bill tonight from the distinguished majority leader, who also is your friend and my friend. But as soon as I offered this amendment, a nonbinding sense-of-the-Senate resolution, everything stopped because those opposed to the pending amendment are trying to figure out a way to avoid having to vote on it.

I say the way the Senate ought to operate is to go on and vote on the amendment up or down. I will accept it either way. I believe I am right. Others think they are right. Let us see what a majority of the Senate says.

I thank the Senator very much for yielding to me. He is, I repeat, a fine man and a good friend.

Mr. SIMON. I thank my colleague for his comments.

I will just say again I think we ought to keep in mind the principles upon which this Nation was founded, where we kept church and state somewhat separate, where we did not have excessive entanglement. I think it is unwise for us to move in this direction. I have great respect for my colleague from North Carolina, but I think his amendment moves in a direction that is not healthy for the future of this country.

Mr. President, no one else seeks the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, inasmuch as no other Senator is on the floor who wishes to be recognized, perhaps it would be useful if I explain the purpose of my amendment and the background.

I believe I am correct that the Helms amendment is the pending business. Is that correct?

The PRESIDING OFFICER. The Senator from North Carolina is correct.

Mr. HELMS. I thank the Chair.

Mr. President, the pending sense of the Senate amendment urges the U.S. Supreme Court to use the upcoming *Weisman v. Lee* [908 F.2d 1090 (1st Cir. 1990)] school prayer case to restore to America's children the right of voluntary prayer and/or Bible reading in the public schools. The first blow toward destroying that right was struck by the U.S. Supreme Court nearly three decades ago in the *Engel v. Vitale* [370 U.S. 421 (1962)] and the *Abington School District v. Schempp* [374 U.S. 203 (1963)] cases.

This amendment, if adopted, will enable Members of the U.S. Senate to take a stand—pro or con, for or against—with me or against me—on the question of whether the wishes of the vast majority of Americans will be respected by the Senate of the United States, the question of restoring a right that was taken for granted until 1962. If the Senate adopts this amendment, it will be the first important step in restoring voluntary prayer in the schools across America.

Mr. President, repeated statistics, as I indicated in my colloquy with the distinguished Senator from Illinois, show that the public schools have been going downhill morally and academically since the Supreme Court outlawed school prayer.

I have an entire book of statistics and graphs from the Federal Government and others that detail the precise figures which clearly demonstrate the importance of restoring the right of voluntary prayer and Bible reading to the public schools.

In light of that, how can Congress consider approving \$850 million in new spending to improve education—in S. 2, legislation entitled the "Neighborhood Schools Improvement Act"—without first restoring a child's right to pray voluntarily and publicly for God's guidance and protection during the school day? This \$850 million will be just another vast sum down the education rat-hole unless we reverse the inexorable breakdown in morality and discipline so prevalent in the public schools of this country. The deterioration began the day the Supreme Court banned school prayer.

Hence, the reason for my offering this amendment today.

The distinguished Presiding Officer will not be able to make much of these graphs from this distance. However, it may be of interest to those watching the proceedings of the Senate on television.

This graph shows Scholastic Aptitude Test (SAT) scores before and after the Supreme Court's school prayer decisions. The line running from top to bottom in the middle represents the year that school prayer was banned.

The SAT scores are used to determine a student's preparation for, and potential for success on the college level. The data for this chart comes from the College Entrance Exam Board which administers the SAT test.

The graph shows that prior to the school prayer decisions in 1962 and 1963, the average combined score for both the math and verbal sections on the SAT was approximately 970 out of a possible 1600. However, as Senators can see from the graph, the very next year after prayer was kicked out of the schools, the average SAT scores began to decline until they bottomed out in 1980 at 870 points—an 80 point drop.

Since 1980, the average scores have risen slightly—as more and more par-

ents take their children out of the public schools—to almost 910. But that is still more than 60 points below what it was before prayer was taken out of the public schools.

The large area labeled number 2—and filled in with black—represents the volume of academic achievement America's children have lost since prayer was removed.

You say, "Well, how do you know?" I do not know. I am just saying that the relationships that one statistic after another shows is unique. Is it not interesting that all of the statistics show a deterioration in the performance and moral behavior of children in the nation's schools?

I think the inferences from these statistics is unmistakable. However, I am sure others will disagree. But they cannot deny the statistics themselves.

The next chart measures teenage sexual activity from 1954 through 1980, specifically, the "Percentage of U.S. Teenage Women Who Have Had Pre-Marital Intercourse". This graph—as you can see—is based on information from the Alan Guttmacher Institute, a very liberal organization.

As Senators will notice, from 1954 until 1962—the year prayer was removed from our public schools—teenage sexual activity remained at the same levels: About 4 percent of 15-year-old girls had had intercourse; 7 percent of 16-year-olds had lost their virginity; 14 percent of 17-year-olds; and then 23 percent of 18-year-olds had had sex. For nearly 8 years there was no increase in sexual activity on the part of teenage girls.

But then, prayer was stricken. Senators can see what happened—a dramatic increase in sexual activity on the part of teenage girls. By 1980, about 12 percent of 15-year-olds; 24 percent of 16-year-olds; 35 percent of 17-year-olds, and 52 percent of 18-year-olds had lost their virginity.

Mr. President, these are the facts. Senators are welcome to look at this graph which shows just how dramatic the increase in sexual activity has been on the part of teenage girls since prayer was banned in the schools.

This next chart documents the increase in pregnancies to unwed teenagers, 15 to 19-years-of-age. It uses data from the Department of Health and Human Services, the Statistical Abstracts of the United States, and the Centers for Disease Control. When school prayer was outlawed in 1962, there were just about 100,000 unwed teenage pregnancies consummating in live births. By 1970, this figure had nearly doubled to just under 200,000 unwed teenage pregnancies.

Then, in 1972, abortion was legalized, and the holocaust of the urban commenced. But in any case, in order to calculate the total number of pregnancies among unwed teenagers, it was necessary to calculate both total live births and abortions.

By 1980, the total number of live births and abortions to unwed teenagers had climbed to 550,000 only 250,000 of which were live births. Compare that, Mr. President to the 100,000 live births in 1962.

It's just so obvious, Mr. President, that something has been terribly amiss with the morals of our Nation's young people since prayer was kicked out of school.

Mr. President, with the increase in sexual activity among school children, you would expect an increase in the number of cases of sexual diseases, and that is precisely what the next chart shows. It is based on data from the Centers for Disease Control and the Department of Health and Human Resources.

Prior to 1962, the chart shows that there were approximately 400,000 cases of gonorrhea, syphilis and various other sex-related diseases each year. After 1962, the number of cases began a steep increase to peak in 1975 at almost 1,100,000 per year. Then it leveled off and fell to about 1,000,000 cases a year in 1985—still almost 600,000 more cases each year than in the years preceding 1962.

The next chart is a bar graph showing the rate of violent crime in the Nation from 1957 to 1986. It is based on data taken from the Statistical Abstracts of the United States.

Again, prior to 1962 when prayer in schools was removed, the rate of violent crime was very low at about 135 cases per 100,000 inhabitants each year. In 1963 it jumped to 177 cases per 100,000 in population and continued to increase sharply until it peaked in 1982 at a whopping 583 instances of violent crime per 100,000 inhabitants. In 1986, the violent crime rate was still over 555 cases a year per 100,000 people. In light of the crack cocaine epidemic that overtook the country after 1986, I am sure the rate is much higher than that now.

Finally, Mr. President, the last chart—and I have 34 more if any Senator is interested—shows the rate of suicide among youth 15- to 24-years-old from 1947 to 1985. The statistics come from the National Center for Health Statistics and the Division of Vital Statistics in the Department of Health and Human Services. Taking just the middle line, the chart shows that the number of suicides per 100,000 15- to 24-year-olds increased from just slightly under 6 per 100,000 before 1962 to over 18 per 100,000 at the charts peak in 1977. In 1985 the rate was still over 15 suicides per 100,000.

Mr. President, it is important to note the visual message these charts convey. Not only were there increases in the incidences of all these problems, but the increases were dramatic jumps, not even and steady. And it is unmistakable that these dramatic jumps all began immediately after the Supreme Court outlawed school prayer in 1963.



Again you can say, "Well, how do you know there is any relationship whatsoever?" I do not know. But as I said, it is remarkable that all of the bad things that are happening in our schools have been increasing since 1962.

Violent crime—look at that. Here is the year. You can say other factors were involved. Of course, they were. And so forth.

But we have done a pretty fair study to show that there must be some correlation.

Mr. President, 71-percent of the American people agree on this issue. A New York Times poll as long ago as July 1988 showed that 71 percent of Americans support voluntary prayer in public schools. A poll conducted last month in North Carolina likewise revealed that 71 percent believe voluntary prayer in the public schools should be restored.

Mr. President, Americans overwhelmingly support school prayer, whether rich or poor, old or young, religious or nonreligious, Democrats or Republicans, and people of all races. So what is the timidity of the U.S. Senate about saying to the U.S. Supreme Court: Look, you ought to reverse that 1962 decision and that 1963 decision.

Let me quote Mr. Justice Potter Stewart. I remember talking with him about it at then-Senator Buckley's home one night. Potter Stewart was a great American. Dissenting in one of those early school prayer cases he said:

A compulsory State educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and State-created disadvantage.

This is not JESSE HELMS. This is Mr. Justice Potter Stewart, Mr. President. He said:

Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion.

Mr. President, schools are not neutral now. They say, "Get out of here." The people across America who have said God has been kicked out of schools are pretty much correct. I say that as a father of a school principal.

Let me return to what Potter Stewart said in his dissent. He said:

And a refusal to permit religious exercises thus is seen, not as the realization of State neutrality, but rather as the establishment of a religion of secularism.

That turns the tables on those who declare a position such as Senator SIMON did just now.

Mr. Justice Stewart accurately predicted—and this was years ago—that governmental intolerance of religion would be the natural and precise effect of the Court's decision banning school prayer. In effect he said: Look here, this is what is going to happen. And you know; it did happen. Look at our schools today. That is the reason we have S. 2 before us.

The effect of those decisions has been to outlaw, for all practical purposes, any manifestation of religious faith on public school property. And consider the havoc wrought by implications far beyond the schools themselves, such as the rising crime rate, increased illegitimate births, abortion, incest, poverty, teenage suicide, AIDS, pornography masquerading as art, and a tragic erosion of the American citizen's love and concern for his fellow man into a cold indifference. We are seeing more and more of that today.

Like it or not, believe it or not, there is a common thread between these societal problems and what happened in 1962 and 1963. There has, undeniably and unquestionably, been a massive collapse of morals in America.

Mr. President, the vast majority of the American people intuitively, and properly, understand that that moral collapse is a result of the Supreme Court's discarding moral principles that deserve to survive. They must survive if this Nation is to survive.

I do not know how much longer we can go down this slippery slope that we are on right now. Instead of engendering an official attitude of neutrality toward religion in the schools, as the Supreme Court assured the public back in 1962 and 1963 that they would, the school prayer decisions have in fact fueled Government's intolerance of, and assaults on, any vestige of Christianity in the public schools.

Let us get specific, Mr. President. In North Carolina alone during just the past few months, this Court-ordered intolerance for any vestige of religion has produced several remarkable results. For example, a teacher in Lexington, NC, named Ronald Chapman—and I have talked with him—resigned his job because he refused to end his 32-year tradition of reading the Bible and praying with his special education students. He had been doing this all these years. And the interesting thing is that his efforts throughout these 32 years had the enthusiastic approval of every student and every one of their parents, without exception.

Just a few miles down the road in the same county, in Thomasville, NC, the school superintendent banned the decades-old tradition of permitting a public prayer for the safety and protection of football players before high school football games. I know we have developed into such a callous society that people may hoot about this, saying: What does prayer mean in a football game? Well, it might mean a lot to high school students. I notice that the Redskins do it.

Third, the Federal courts prohibited a State judge in Charlotte, NC, from opening his court sessions with a prayer for wisdom and guidance from God.

Finally, a schoolteacher in Charlotte was prohibited by the local school board from reading her Bible during her lunch hour.

Is that neutrality, Mr. President?

These are just some examples. I have scores of them. But I will simply say that similar governmental restraints on religious freedom in public have occurred over the last few years not only in North Carolina, but in every other State as well.

In the State of Florida, a school principal felt personally compelled by the Supreme Court's decisions to collect all of the copies of the high school annual that had just been printed and snip out with his scissors all the pictures of the Bible Club. Is that neutrality?

In various States, students have been prohibited from praying in their cars in the school parking lot, or even bringing their personal Bibles onto school property.

In Denver, CO, a school—I imagine it was the principal—tried to have all copies of the Bible removed from the school library on the grounds that their mere presence on the shelves was an infringement of the Supreme Court's decisions on school prayer.

(Mr. LAUTENBERG assumed the chair.)

Mr. HELMS. In Decatur, IL, a primary schoolteacher discovered the word "God" in a phonics textbook and ordered her class of 7-year-olds to strike it out, saying that it is against the law to mention God in a public school.

In Oak Park, IL, the town blocked a private Catholic hospital from erecting a cross on its own smokestack because the city councilmen said some residents would be offended.

In Schuylerville, NY, a Federal Judge ordered the removal of a former student's painting of the crucifixion of Christ that had hung on the wall for 25 years. He said: "Take it down; the Supreme Court does not allow that." The judge stated that the painting conveyed a message of "Government endorsement of Christianity."

Yet, the Federal Courts have been strangely silent on the message of "government intolerance of Christianity" conveyed by the use of Federal funds by the National Endowment for the Arts to subsidize, for example, an artist who put a crucifix in a glass container of urine, took a picture of it, and submitted it with a blasphemous title claiming that it was art. I have stood right here on the floor and protested that particular use of the public funds, and the insult it conveyed to the Christian community.

And yet the very Senators who are opposing me on this amendment on the grounds the Government might send a proreligious message saw no problem with the Government sending antireligious messages through the NEA.

Three separate studies, Mr. President, have noted that textbooks in the public schools as a result of the Su-

preme Court decisions have systematically ignored the role of religion in molding this Nation and motivating our leaders, because publishers believe the Supreme Court decisions require—require—such censorship.

The lawyers have an expression, "*reductio ad absurdum*," and I guess this approaches it. The American Civil Liberties Union in California insists that, and I quote, "teaching that monogamous, heterosexual, sexual intercourse within marriage is a traditional American value is an unconstitutional establishment of a religious doctrine in the public schools."

I thought the ACLU was silly a long time ago, Mr. President. Now I know they are.

Mr. President, can the situation get further out of hand? Such ludicrous episodes clearly demonstrate the fallacy of the Supreme Court's assurances in 1962, in the case *Abington School District versus Schemp*, that:

\*\*\* the state may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to a religion, thus preferring those who believe in no religion over those who do.

But that is exactly what has happened. Time magazine, back in December, in the December 9 edition, noted how Miss Angela Davis can walk into any public school in the country and sing the praises of dogmatic Marxist atheism, and that is OK. But students themselves cannot so much as read the Ten Commandments in the classroom.

Mr. President, freedom of religion, guaranteed to us by the Founding Fathers in the first amendment to the Constitution, seems to me to be fundamental. I acknowledge that there are two separate views about what is freedom of religion.

Senator SIMON, bless his heart—he is a good friend of mine—says it has something to do with the establishment of a State church for children to be allowed to pray or to read the Bible on school property. I do not believe that. With all due respect to my friend from Illinois, I just do not believe that. I cannot believe it.

This business of freedom of religion should mean what it says. It should go both ways. This has been recognized as a fact from the very inception of our Republic. Religious liberty and recognition of the part played by Almighty God in the creation of our country have been foundation stones of our national existence.

As a matter of fact, this was acknowledged in one of the earliest official acts undertaken by a leader of the new Nation in 1798. That was, of course, George Washington. In his first inaugural address, delivered in New York City on April 30, 1789, President George Washington declared, and I quote:

\*\*\* it would be peculiarly improper (for me) to omit, in this first official act, my fervent supplications to that Almighty Being

who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves \*\*\*. In tendering this homage to the great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; and those of my fellow-citizens at large \*\*\*.

I say Amen.

And the Senate, the U.S. Senate, following George Washington's example to this very day, this very morning continues the tradition of holding a morning prayer. The Chaplain stood right up there and he opened this session of the Senate with a prayer.

Mr. President, we invoke God's blessings in our daily decisions in the Senate. And if we can do it in the Senate, then why are the Federal Courts prohibiting a State judge in North Carolina from doing it in his courtroom every morning? Just as important, why do the Federal courts prevent our children from having voluntary prayer in the school?

I often try to imagine, as I am sure others do, what our Founding Fathers would say if they could come back here and see what is being done—and has been done—to this country and its principles. Could George Washington have imagined that the day would ever come when the Supreme Court would act to bar the exercise of religion anywhere in the United States of America? I do not think so. I cannot imagine that he would have, or could have.

Could any of those great men who led us from colonial status to that of a proud new nation, with the world's first guarantee of liberty to its people, could any of them have suspected that 180 years into the future, the Court would have contravened the very intent of the first amendment?

Pretty interesting question, Mr. President, and Senators would differ. And I am sure, as soon as I finish these remarks, Senators will be up like a bunch of roosters on a June bug. They will have their say. They will say: Oh, you cannot do it. This one child over here was embarrassed; or one over there. To heck with the fights of the millions of children who are being denied a fundamental right to pray.

We know that some of the Founding Fathers harbored reservations about the role of the Supreme Court in the new Government. But surely those Founding Fathers could not possibly have envisioned that the Court would cancel a child's right to offer voluntary prayers in the company of those of like belief in his or her school. There were no public schools back then, I acknowledge, so the question did not and could not have come up.

Mr. President, those of us who believe that the Supreme Court ought to take a look at the 1962 and 1963 decisions are not alone. I was struck by the

remarks of a distinguished student of the law and the Constitution, Charlie Rice of Notre Dame Law School, who said that:

It has been incorrectly asserted, by the Supreme Court and others, that the establishment clause ordained a government abstention from all matters of religion, a neutrality between those who believe in God and those who do not. An examination of the history of the Clause, however, will not sustain that analysis. Its end was neutrality, but only of a sort. It commanded impartiality on the part of government as among the various sects of theistic religions, that is, religions that profess a belief in God. But as between theistic religions that is, religions that profess to believe in God and those non-theistic creeds that do not acknowledge God, the precept of neutrality under the establishment did not obtain. Government, under the establishment clause, could generate an affirmative atmosphere of hospitality toward theistic religion, so long as no substantial partiality was shown toward any particular theistic sect or combination of sects.

I shall conclude momentarily, Mr. President, but I am obliged to observe that our Founding Fathers' sole intent in the Constitution's establishment clause was to prohibit the establishment of a national church. That is all the first amendment says. And it says it clearly. All remaining issues concerning church-and-state relations were left strictly to the States. And my second-degree amendment now pending simply calls on the Supreme Court to restore the original intent of the Framers in this regard.

Now, I am stating my views of the Constitution, admittedly. Other Senators will state theirs, no doubt, in contradiction of what I have just said. But the point is neither of us—JESSE HELMS nor JOHN DANFORTH nor anyone else—is a member of the Supreme Court. It should be left to them to make the judgment one way or another, but they ought to make the judgment. And that is what I am asking for, for them to make a judgment.

Mr. President, restoring balance and freedom to the public schools regarding the role of religion in our public as well as our private affairs is imperative if we really want to see an improvement in our schools, in both the discipline and academics. If we are truly interested in the welfare of our Nation's children, as so many of us espouse, we will restore to them what I consider to be an indispensable right—the right to seek guidance and help from the Almighty each and every day at school if and when they want to do so. That is all I am saying.

Earlier, Mr. President, I quoted George Washington's first address to the Nation as a President. So, I will close with his final counsel—and warning—to the Nation. We will fail to heed it at our own peril.

He said:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain



would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness.

Mr. President, I ask unanimous consent that an excerpt from an address by M. Stanton Evans on the history of the first amendment and the religion clauses be printed in the RECORD. Mr. Evans addressed an audience assembled at the Heritage Foundation and, more recently, a meeting of the Founders Society of the American Studies Center.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My topic is the 1st Amendment and the reading of it given to us by the Supreme Court and indeed by almost all supposed authorities on this subject. That reading is essentially that the 1st Amendment was intended to create a wall of separation between the practices of civil government and the affirmations of religion.

The leading misconception involved in this kind of discussion, which is applied not only to 1st Amendment topics but to almost all topics where religion is concerned, is the idea that there is such a thing as a civil order that is *not* based on religious belief.

The fact of the matter is that every society, every culture, is based upon religious assumptions of one sort or another. Religious affirmations are answers to ultimate questions—such as, where did the world come from, why are we in the world, what does it mean to be a human being, how should human beings treat each other? The answers to all such questions are essentially religious in character.

If you remove one set of assumptions received from a particular religious tradition, you do not, therefore, have a social order that is not based on religious belief. You simply substitute one set of axioms for another.

The notion that it can be otherwise—that there is such a thing as a purely rationally deduced set of rules about human behavior or government—is chiefly an artifact of modernity. It is a notion that has arisen since the Renaissance, and more specifically since the Enlightenment: that the way to liberty, justice, democracy, progress, and other good things is to get rid of religious belief and to substitute a rationally constructed social order for the superstitions of religion.

For want of a better term, I call this way of viewing things the "liberal history lesson."

The treatment of American political history that is now conventional wisdom, embodied in the rulings of the Supreme Court on the 1st Amendment, and in most history books dealing with these topics, is a subdivision of this liberal history lesson. It is an effort to apply to the experience of the United States the assumptions that became conventional in the West at the time of the Enlightenment, and to rewrite that experience in the categories of liberal ideology. The basic idea is to treat the American Revolution as a cognate to the French Revolution—an explosion of anti-clerical sentiment aimed at secularizing every aspect of public life.

As it concerns the United States, all of this is totally ahistorical. In fact, the American continent was settled primarily by people who were concerned about religious matters, who came here for religious reasons, and who brought with them religious assumptions about government that were prod-

ucts of centuries of Judeo-Christian experience and medieval practice, crystallized in early 17th Century England.

The period during which the early settlers came to these shores was when many of these issues were being fought out in England, culminating in the Parliament of 1628, and the people who came here brought with them very specific notions of churches and civil government derived from that experience. The principal notion that is relevant here was their covenant theology—the idea of the covenantal character of church government.

Essentially, it was the notion that authority in the church rose from the congregation and should not be imposed from the top down by the episcopacy. They left England primarily over that issue to come here and set up church and civil government based on these notions derived from Biblical teaching, mainly the Old Testament.

The idea of social contract, for instance, is usually portrayed in the liberal history lesson as something invented by John Locke in his *Treatise of Civil Government* in the latter part of the 17th Century.

In fact, social contract existed in the Western experience almost 70 years before this—in the Mayflower Compact of 1620.

When the Pilgrims arrived off the shores of this continent, they drew up a contract among themselves in which they stated that we do hereby "combine and covenant ourselves together into a civil body politic." So right there, based not upon secular theoretical considerations but on religious experience, you have the notion of social contract, articulated in the Mayflower Compact.

Ten years later, in October 1630, the Massachusetts Bay Company, which was a commercial corporation, held the first meeting of what became its General Court. The Massachusetts Bay Company was similar to corporations today in that it was governed by its directors, eight in number, who were the people entitled to vote on the affairs of the company. Nonetheless, when the first meeting of the General Court was held, 116 people were invited to vote, which is a source of great confusion to many liberal historians.

Why did the autocrats of Massachusetts Bay decide to do this? The answer was their covenantal theology. These were the members of the congregation; they were part of the covenant and entitled to vote in matters of church government, and matters of civil government as well.

Many other products of that early experience show the imprint of the religious beliefs of the original settlers. One of the earliest was the Massachusetts Body of Liberties in 1641, an embryonic version of the Bill of Rights, once again based upon religious principles. Likewise, in 1647, the first public schools were created on this continent by the authorities of Massachusetts Bay. This system was set up for the purpose of teaching young people—how to read the Bible.

This early experience continued in attenuated form up through the end of the 18th Century, attenuated primarily because of the proliferation of religious groups, not because of a loss of religious belief. Quite the contrary.

In the middle of the 18th Century, there occurred the so-called Great Awakening, an evangelistic phenomenon that brought many people into the fold of Christianity and re-energized others for whom Christian belief had been primarily a formal exercise. The result was that new religious sects and groups were formed and some that had been small increased in size. There was the tremendous

growth of the Baptists and of the Methodist church. And as religious diversity increased, there was pressure upon the "established" character of religious practice in several of the states.

Contrary to the liberal history lesson, the world of the Founding Fathers was totally suffused with Biblical belief, expressed in innumerable ways in the civil practice of the time.

For example, in 1775, when the Revolutionary War was starting, nine of the 13 colonies had officially established churches, supported by tax revenues. As the proliferation of church groups continued through the latter part of the 18th Century, pressure mounted to disestablish a number of these churches.

Nonetheless, at the time of the Constitutional Convention, three states still had established churches—Massachusetts, New Hampshire and Connecticut. Even in the states that had disestablished—the Anglican Church in some parts of the South or the Congregational Church in other areas—there remained a system of official sanction and support for religious belief, principally the requirement that one profess a certain kind of doctrine in order to hold public office.

These practices persisted well after adoption of the 1st Amendment. The established church in Massachusetts was not abolished until 1833. In New Hampshire, a requirement that one had to be not simply a Christian, but a Protestant to be a member of the legislature persisted until 1877. In New Jersey, Roman Catholics were not permitted to hold office until 1844. In Maryland, one had to be a Christian to hold public office, a stipulation that lasted until 1826. In North Carolina, the stipulation until 1835 was that one had to be Protestant, and until 1868 to be a Christian, to hold office.

The state of Vermont, which broke away from New Hampshire in 1791, was considered theologically one of the most liberal of the states. Nonetheless, this was the oath you had to take in Vermont in order to assume office:

"I do believe in one God, the Creator and Governor of the universe, the Rewarder of the good and the Punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testaments to be given by divine inspiration and own and profess the Protestant religion."

That was the oath that had to be taken in one of the more liberal states at the time the 1st Amendment was being put on the books.

The case of Virginia is one most frequently cited in such discussions. By the standards of the day, Virginia was also a very liberal state. This was a result of the fact that the Anglican Church had been the established church in Virginia.

When the Presbyterians and then the Baptists grew in strength, it created a three-way tug of war for political influence, pushing the state toward disestablishment of the Anglicans, which came about in the 1780s. The bill for disestablishment that finally passed was presented by James Madison in the Virginia legislature on Oct. 31, 1785. This bill and the associated commentary by Madison are frequently mentioned in the literature as showing the secularizing impulse behind the 1st Amendment.

The Supreme Court and the others involved in this discussion never mention, however, that on the same day Madison presented his bill for religious freedom, which was to disestablish a specific sect, he also presented a bill to punish those who broke the Sabbath. This bill spelled out the penalties

that would be imposed upon those who broke the Sabbath by conducting other than household duties. It was put forward on the very same day that the bill for disestablishment was offered. This is not referred to because it doesn't fit the secularizing model of the liberal history lesson.

Many practices that existed at the state level also existed at the federal level, first in the Continental Congress and thereafter in the new Congress under the Constitution.

The Continental Congress had chaplains, and it had prayers. In 1780 it authorized the printing of a Bible, after first ensuring that the text was orthodox. It provided money for the Christian education of Indians. It passed the Northwest Ordinance for governing the territory north and west of the Ohio River, stating that it was doing this, among other reasons, for purposes of promoting "religion and morality." It stipulated that in the sale of lands in the Northwest Territory, Lot N29 in each parcel of land "be given perpetually for the purposes of religion."

In the new Congress under the Constitution, most of this was re-enacted. The chaplains were re-established. Prayers were conducted. Days of thanksgiving were voted. Money was appropriated for the Christian education of the Indians. All were practices totally contrary to anything you would guess from reading Supreme Court decisions or the conventional liberal history on this subject.

How is all of this—religious affirmation by the several states, established churches, religious requirements for public office, prayers, chaplains, religious education of the Indians—to be reconciled with the reading of the 1st Amendment given to us by the Supreme Court, which says in essence that no tax money may be used for any authentic religious purpose? How can you reconcile the history just recited with the adoption of such an amendment? The answer, of course, is that you just cannot; and the reason for this is that the real history of the 1st Amendment is very different from what the liberal history lesson would have us believe.

There were specific reasons for the adoption of the 1st Amendment, fully available in the records for anybody who cares to look at them. This has a lot to do with the politics and the concerns at the time about the impact of the new Constitution.

There was a great deal of agitation by Patrick Henry and others to the effect that this new government would swallow up the rights of the states. Henry, Richard Henry Lee, and others therefore said there needed to be a Bill of Rights, which would guarantee the freedom of the citizens and the states. In large measure, this was a stratagem to prevent adoption of the Constitution, and it became a very effective weapon in the ratification struggle.

Madison, who was promoting adoption of the Constitution, had originally said a Bill of Rights was unnecessary, and he had some good arguments. He said in essence that this was a government of enumerated powers. It had authority to do only those things granted to it, and no authority to do the things not granted to it, and therefore a Bill of Rights would not be needed.

However, Henry succeeded in generating so much opposition that Madison changed his position and said, in effect, "All right, I'll concede your point. Let's compromise on a formula whereby we go ahead and ratify the Constitution, and then adopt a Bill of Rights as soon as the new Congress convenes." That was his campaign pledge when he ran for Congress in Virginia. When Madison

switched in favor of a Bill of Rights, he took away the principal issue against him, and got elected to the House of Representatives.

There he presented his proposals for a Bill of Rights in fulfillment of his campaign pledge. It is very interesting to go back and read the reasons given by Madison for presenting the Bill of Rights and his interpretation of what became the 1st Amendment.

For example, he was challenged by Roger Sherman and others about the very argument he himself had made—that this was a government of enumerated powers, so why was this Bill of Rights necessary? Madison said: "Whether the words are necessary or not [referring to what became the 1st Amendment] he did not mean to say, but they had been required by some of the state conventions who seemed to entertain an opinion . . . that . . . [Congress might] make laws of such a nature as might infringe the rights of conscience and establish a national religion." And therefore, he was presenting them for the consideration of the Congress.

He added that "If the word 'national' were introduced it would point the amendment directly toward the object it was intended to prevent," which was the prospect of federal interference with the religious (and other) practices of the states.

As it happened, the actual language of the Amendment voted by the House was not proposed by Madison, but by Fisher Ames of Massachusetts, a state with an established church. It is interesting to note that the language that finally emerged from Congress was adopted by a conference committee, including on the House side Roger Sherman, and Oliver Ellsworth from the Senate.

The important thing about Sherman and Ellsworth was that both were from Connecticut, another state with an established church. In fact, in Connecticut at the time a law existed that you could be fined 50 shillings if you didn't go to church on Sunday.

Sherman and Ellsworth, who not only represented Connecticut but were believing Calvinists, would hardly have gone into a conference committee and voted for an amendment nullifying Connecticut law about religion.

In the light of all this, the language of the 1st Amendment as it came out of that conference committee should be fairly clear: "Congress shall make no law respecting an establishment of religion." Now what does that mean? It means that the national legislature shall make no law having anything to do with, concerning the subject of, respecting an, establishment of religion. That is: Congress cannot pass a law creating a national established religion; and Congress cannot pass a law interfering with the established churches or other religious practices in the states.

That language, which had been debated through the late summer of 1789, was passed by the House of Representatives on Sept. 24, 1789. On the very next day (this must be considered in the context of what the Supreme Court now says this language means), the very same House of Representatives passed by about a 2-to-1 margin a resolution calling for a national day of prayer and thanksgiving. The day after it passed the 1st Amendment, here is the language the House adopted:

"We acknowledge with grateful hearts the many signal favors of Almighty God, especially by affording them an opportunity peacefully to establish a constitutional government for their safety and happiness."

They therefore called upon President Washington to issue a proclamation designating a national day of prayer and

thanksgiving. This was Washington's response:

"It is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits and humbly to implore His protection and favor. . . . That great and glorious Being who is the beneficent author of all the good that was, that is, or that ever will be, that we may then unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people. . . ."

Such was language officially adopted, first by the Congress and then in a proclamation by George Washington, contemporaneous with adoption of the 1st Amendment.

It seems to be reasonably clear that two things were encompassed by the 1st Amendment. The first was to protect the existing religious practices of the states, including established churches, religious requirements for public office, and so forth, from federal interference. The second was to permit even the federal government to give general support to religion, which continued without stint in all the various ways described a century and more after adoption of the 1st Amendment.

Let me read by way of conclusion the sentiments of Thomas Jefferson, the person most cited on this subject next to Madison by the Court and by the liberal historians (though Jefferson was not a member of either the Constitutional Convention or the first Congress). Here is what Jefferson said in his second inaugural address:

"In matters of religion, I have considered that its free exercise is placed by the Constitution independent of the powers of the general government. I have therefore undertaken on no occasion to prescribe the religious exercises suited to it. But have left them as the Constitution found them, under the direction or discipline of state or church authorities acknowledged by the several religious societies."

Jefferson also wrote a few years later to a Presbyterian clergyman who asked why he had not issued thanksgiving proclamations (of the early Presidents, Jefferson was the only one who did not). Here is what Jefferson answered:

"I consider the government of the United States as interdicted from intermeddling with religious institutions, their doctrines, discipline, or exercises."

"This results from the provision that no law shall be made respecting the establishment or free exercise of religion, but from that also which reserves to the states the power not delegated to the United States. Certainly no power to prescribe any religious exercise or to assume authority and religious discipline has been delegated to the general government. It must thus rest with the states as far as it can be in any human authority."

The inexorable conclusion is that there was no wall of separation between religious affirmation and civil government in the several states, nor could the 1st Amendment conceivably have been intended to create one.

Mr. NICKLES. Will the Senator yield for a question?

Mr. HELMS. Yes.

Mr. NICKLES. I have looked at the amendment of the Senator from North Carolina, and I want to compliment the Senator from North Carolina for his statement. But the Senator's sense-of-the-Senate resolution is not to mandate prayer in school; am I correct?



Mr. HELMS. The Senator is absolutely correct.

Mr. NICKLES. The Senator is not trying to mandate prayer in school. The Senator is trying to make it legal for individuals, if they choose, to have a prayer in school, not written by any State, not written by the school board, not mandated, but if individuals wish to have voluntary prayer in school, nonscripted or mandated, that it would be allowed for that to happen.

Mr. HELMS. This is the first step thereto. The Senator is absolutely correct, and I appreciate his asking the question.

Mr. NICKLES. I appreciate the Senator's remarks. I appreciate the Senator's leadership in trying to restore voluntary prayer in school. And I think it is important to underline the word "voluntary." I think that was our Founders' intention, and I compliment the Senator from North Carolina for his work.

Mr. HELMS. I thank the Senator.

Mr. NICKLES. addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment again my colleague from North Carolina. I will just enter this debate very briefly and leave. I happen to be one of the people who sat in on the Supreme Court case of *Weisman* versus *Lee* that was heard last November. I will tell you that I was bothered by the fact that that case even went to the Supreme Court. I was bothered by the fact that a rabbi gave a prayer at a commencement exercise and somebody took it all the way to the Supreme Court and said, "Well, wait a minute, this is a violation. This is against the Constitution. You shouldn't be able to say a prayer at commencement exercise. Isn't this coercing individuals into religion?"

And I think that is totally contradictory of our forefathers' intention; unbelievable. I looked at the prayer that Rabbi Guterman had given, and I will enter it into the RECORD, but if people are offended by this prayer—I will just read it very quickly. It is not very long.

Rabbi Guterman's prayer said:

God of the free, hope of the brave: For the legacy of America, where diversity is celebrated and the rights of minorities are protected, we thank you. May these young men and women grow up to enrich it.

For the liberty of America, we thank you. May these new graduates grow up to guard it.

For the political process of America in which all citizens may participate, for its court system, where all can seek justice, we thank you.

May those we honor this morning always turn to it in trust.

For the destiny of America, we thank you. May the graduates of Nathan Bishop Middle School so live that they might help to share it.

May our aspirations for our country and for these young people, who are our hope of the future, be richly fulfilled. Amen.

Mr. President, the fact that this prayer would be so offensive to somebody that they would take it to the Supreme Court and say, "We want to prohibit this type of prayer being presented to our young people," as if this would injure their mind or their health or their philosophy, is unbelievable to me. If this prayer offends somebody, then evidently they think that no prayer whatsoever should be ever mentioned in any public institution anywhere. I might mention in this prayer God is mentioned only once, and that is all, "God of the free."

If that is so offensive, then evidently we better take "In God We Trust" off of our coins. We better take "In God We Trust" off the Senate wall, because this happens to be a public institution.

I think that is a gross misinterpretation of the Constitution. The first amendment of the Constitution does not say we are going to have separation of church and State. That is not in the Constitution. The first amendment says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It says Congress shall not do it. It did not say the Supreme Court, because article I says the Congress shall pass all laws, not the Supreme Court. They said Congress is going to be the only body that would pass laws. Congress shall make no laws prohibiting the free exercise thereof. Yet we have people taking to the Supreme Court, a case, because they do not want somebody to say at a graduation ceremony: God bless these children. God guide these children. This is a ridiculous misinterpretation of the first amendment.

That Supreme Court case, the *Weisman* case, regarding which Senator HELMS has introduced this resolution—I hope that the Supreme Court does take another look at some of their previous mistakes, because they, whether it be the *Engel* case or whether it be the *Lemon* case or the *Lemon* test, have definitely prohibited the free exercise of religion.

By the *Weisman* case, people are trying to say wait a minute, we do not want to have God mentioned in our schools. I think that is a serious mistake.

If you look at our schools today, it is somewhat appalling to think that now we see in the largest school district—probably in the world, but at least the largest in America—in New York City, they are handing out condoms. In many areas they give out or exchange needles for drug use, condoms for sexual affairs and so on. What in the world is going on in our schools?

This is ridiculous. Yet at the same time some people are saying wait a minute, we do not want to allow people to say prayer in school. This is not an amendment that says we are going to mandate prayer in school. This is an amendment that is encouraging voluntary prayer in school.

I happen to be the youngest Member in this body. We happened to have prayer in public schools when I was growing up. I guess that happened for almost everybody that went to public schools when they were growing up throughout this country. Again, I do not want to have any governmental entity writing prayers. I do not want any governmental entity mandating prayers. But I, likewise, do not want the Government to prohibit the free exercise of religion.

The Constitution says Congress shall pass no law prohibiting the free exercise of religion. I hope the Supreme Court will interpret the first amendment as it is written.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I think we ought to go back to what is before us. Nobody has actually talked about what the amendment provides. The amendment provides:

It is the sense of the Senate that when the Supreme Court considers the case of *Weisman* v. *Lee* \* \* \* it should use that opportunity to reverse the Supreme Court's earlier holdings in the *Engel* v. *Vitale* \* \* \* and the *Abington School District* v. *Schempp* \* \* \* cases so that voluntary prayer, Bible reading, or religious meetings will be permitted in public schools or public buildings to the extent that student participation in such activities is not required by school authorities.

That is what the amendment is.

Mr. President, I am prepared to speak at some further length. It is my understanding the Senator from Missouri may want to be recognized for the purpose of obtaining an agreement on a time limit?

Mr. KENNEDY. If the Senator will yield, I understand Senator HELMS has agreed to a 2-hour time limit. I was going to make that request, if we could establish that in terms of the convenience of the Members of the Senate. I would like to be able to do that, if it is agreeable to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from Massachusetts be recognized for the purpose indicated and immediately thereafter the Senator from Ohio be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent there be a time limitation on the pending Helms amendment, No. 1478, of 2 hours equally divided in the usual form; that at the conclusion or yielding back of the time the Senate, without intervening action or debate, vote on the Helms amendment; that immediately upon the disposition of the Helms amendment the Senate, without any intervening action or debate, vote on Senator PRESSLER's amendment, as amended, if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Since there is an agreement as to time limit, we have to find out, who yields time?

Mr. KENNEDY. I yield 12 minutes to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise to oppose this amendment. We are here today to do one of the most important jobs that the Congress is called upon to do, particularly at this time. There is a crying need in our country to pass an education bill. We hear every day about the problems in our school systems. Yet now we find a diversionary tactic, talking about prayer in the schools.

As long as this country has been in existence, we have recognized that prayer in the school is not an acceptable concept. But this amendment talks about Bible reading in the school, this amendment talks about voluntary prayer, it talks about religious meetings.

There are meetings permitted under the free speech amendment that has been offered by Senator HATFIELD several years ago, for certain religious groups after school to meet. But that is not what we are talking about here. We are just talking about opening the door wide. I believe it is as wrong as it could possibly be.

When the Senator from North Carolina was speaking, he alluded to Marxism, atheism, communism, all of those. That has nothing at all to do with this amendment—nothing. What this amendment is intended to do is to influence the conclusion of the Supreme Court in a pending case. This body should not be telling the Supreme Court what to do in connection with this matter.

The Senator from North Carolina is injecting into this debate an issue that divides the country at a time we are trying to find common ground for improving our schools. That is the direction we should be going.

This amendment intrudes upon the Supreme Court and hopefully will have no impact. But I am not sure whether it will or it will not. I grew up thinking that the Supreme Court did its job, the executive branch did its job, and we in Congress do our job.

Now this amendment would tell the Supreme Court how to decide a pending case. We would put the Senate on record as favoring the reversal of two establishment clause cases. The separation of church and State is a cornerstone of our Constitution.

All of us had forefathers who came to the country from countries where there was an intertwining of the government and the church. And when the Founding Fathers came here, in the establishment clause they made it clear they wanted to separate them, to provide for that separation of church and State. But apparently now some would have us overturn the impact of that establishment clause.

The establishment clause is rooted in the Founding Fathers' memory of the persecution and social divisiveness that prevailed in European countries that had established governmentally ordained and supported churches.

We separate church from State to ensure that the religious beliefs of our citizens are dictated solely by their consciences, and not by their Government.

Justice Black, in his majority opinion in *Engel v. Vitale* 370 U.S. 421 (1962), noted that the "first and most immediate purpose of [the establishment clause] rested on the belief that a union of Government and religion tends to destroy government and to degrade religion." Writing for an 8-1 Court majority, he went on to say that:

The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result had been that it had incurred the hatred, disrespect and even contempt of those who held contrary beliefs. That same history showed that many people had lost their respect for any religion that had relied upon the support of government to spread its faith. The establishment clause thus stands as an expression of principle on the part of the founders \* \* \* that religion is too personal, too sacred, too holy, to permit its "unhallowed perversion" by a civil magistrate.

There is no secret about it. This amendment is a slap in the face to religious minorities. Imagine how a member of a religious minority would feel if he or she were forced to recite an official school prayer that was at odds with his or her beliefs? That is not what this country stands for, but that is what this amendment stands for.

Mr. President, the Supreme Court has never forbidden students from engaging in quiet, personal, voluntary prayer. But if students are forced to recite prayers against their beliefs, or forced to stand in silence while their classmates recite a prayer at odds with their beliefs, we would harm individual freedom and we would take a step toward establishing an official religion.

The Supreme Court in *Engel* versus *Vitale* made a simple but timeless statement about the importance of separating church from State. The Court stated:

When the power, prestige, and financial support of Government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain.

Religion, religion, yours, mine, everyone else's in the Senate, everyone else's in this country, is a matter of individual conscience and not Government edict. Let us keep it that way. Let us stand up in favor of freedom of conscience and freedom of religion. Let us defeat this amendment. It serves no useful purpose. It could be most hurtful.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 7 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Missouri is allocated 7 minutes.

Mr. DANFORTH. Mr. President, I would like to address my remarks to conservative Members of the Senate, members of my own party in particular, who have frequently stated their concern about the Supreme Court of the United States and about judges who tend to obscure the difference between the legislative branch of Government and the judicial branch of Government.

Conservatives have very often said that the role of a judge is not to legislate from the bench; the role of a judge is to decide the law. The role of the judge is to take the text of the Constitution of the United States, to take the text of a statute, to decide what the Constitution or what the statute says and to apply precedent. The role of a judge, conservatives say, is not to pursue some political agenda, not to pursue some philosophical agenda, not to pursue some religious agenda, but to apply the law. That is the role of a judge.

That was my understanding of what the Reagan administration and the Bush administration has meant when they sent nominees to the Senate for confirmation: We do not want legislators. We want judges. We do not want people on the Supreme Court of the United States who are going to be waiting for the phone to ring to find out what is the latest political message.

President Bush said that he never asked Justice Thomas to prejudge a case. I am sure that that is correct. The judiciary has to be independent. That is what judicial restraint means.

Those who are not elected have a different role from those who are elected. And yet what we are about to vote on is an amendment which says it is the sense-of-the-Senate that the U.S. Supreme Court should decide a case in a certain way. We say we, in the Senate, what to take it upon ourselves to send a political message to the Supreme Court of the United States hoping that the Supreme Court is going to decide the case on the basis of what we pontificate from the floor of the Senate.

That is not conservatism. That is not the concept of judicial restraint. That is a weird blending of the legislative and the judicial branches of Government.

We are saying that the Supreme Court should decide a particular case, the case of *Weisman* versus *Lee*, in a particular manner. How many of the 100 Members of the Senate have read the case of *Weisman* versus *Lee*? How many of us have read the briefs? How many of us were there to listen to the



argument? This case has been argued before the Supreme Court, and we on the basis of no knowledge of the facts or the law that was before the Court say here is our political message, please hear this political message, Supreme Court. This is meddling on the part of the Congress, meddling in the role of the judiciary, a breaking down of the separation of powers. It is exactly the opposite of what conservatism should mean with respect to the role of the judiciary.

Mr. President, we would say, if we adopted this amendment, we believe the Supreme Court should reverse two cases that were decided in the early 1960's. Imagine that—two cases that are almost 30 years old, and we say without benefit of having read the cases we think the Supreme Court should overrule those cases.

I might say, Mr. President, both of the cases we would vote on that the Supreme Court should overrule concerned required prayer—not voluntary prayer, required school prayer. That is what the cases held, and we say overrule that. But we are only talking about voluntary prayer.

In the case of *Engel versus Vitale*, the prayer was written by the board of education, and we are saying that the Supreme Court should overrule a case which says that a prayer written by the board of education was required to be read in the school. That does not sound like voluntary prayer to me. It sounds like official prayer.

Finally, Mr. President, I would only say this: From the standpoint of many religious people, the idea of school prayer, public school prayer, is a very questionable idea and one that should be resisted. The reason is this: Prayer in a public setting is going to be one of two forms. It is either going to be prayer with real content, in which case it is likely to be very divisive—for example, if you took a prayer out of the Book of Common Prayer, the Episcopal Church's prayer book, and tried to find something that was suitable in a general setting, in a nondenominational setting, it would be very difficult to do. So you either have a prayer that would be divisive because it would have real content from the standpoint of a particular denomination or, on the other hand and more likely, it would be a prayer that was so bland, so innocuous, such thin rule, that it would be offensive so far as it purported to be prayer but actually stood for nothing at all.

For those reasons, Mr. President, I hope we defeat this amendment.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island has 5 minutes.

Mr. CHAFEE. Mr. President, we have a pretty full menu before this Congress

and especially before the Senate of the United States as we look down the road. We have to make up our mind what to do about reforming health care, we have to make up our mind, and it is going to take a lot of careful attention, on what we can do to improve the economy of this Nation. We have scores, hundreds, millions of Americans unemployed that we want to do something about. Is it going to be through tax cuts or is it going to be through public expenditures? How are we going to do it? And we have to examine our defense budget carefully to decide how to proceed.

That is enough to keep any Senate of the United States busy. But it is suggested that now we start offering some free advice to the Supreme Court of the United States, and this offers great possibilities. They have some big cases coming up that we can devote our attention to.

For example, they have cases coming up on what is known as taking. In other words, when is an action by the Federal Government, whether it is some form of environmental restriction, whether it is a case involving zoning, a "taking" under the Constitution? When do we have to reimburse the individual or the entity that is affected?

That is something the Supreme Court is taking up. They have several cases on that. I suppose that with 100 Senators, we could find a good number in this body who would choose to devote several days on advising the Supreme Court on how to proceed.

And what about the cases that deal with *Roe versus Wade*? We ought to be able to devote a couple of weeks to that in the U.S. Senate, give them our views. And that, of course, would be before they argued it. This case even goes further and is even, in my judgment, more ridiculous. We are saying to the Supreme Court that has heard arguments already in a case, well, you heard the arguments, we have not heard them, two of our Senators went over and heard them, we do not know what they are, but we are going to tell you how to decide this case.

I might say, Mr. President, I have more than a personal interest in this. This is a case that arose in Nathan Bishop Middle School in Providence, RI.

Mr. President, I might say I attended Nathan Bishop Middle School. I went there. I know something about the school. But to say I am an expert in this case, of course, is ridiculous.

If there is any area that could be more complicated and more intricate, with more controversy, it is the area of the question of when prayer is correct in a public school. We get into the question of the school ceremony, it involves children, it involves the meaning of the understanding of the terms coercion, involuntary participation.

Let me just give one of the arguments in this case. This was a graduation. This was not a class. This was a graduation. Then the question comes up, is it voluntary? In other words, the people came to the graduation; they did not have to come. You have to attend school. So that is quite different from when there is a prayer in a class.

Indeed, I suppose where you teach a pupil in a class, whether it is mandatory prayer or not, that pupil really does not have the voluntary capability of getting up and leaving. Somebody in the fourth grade is not expected to walk out of a class. Here the arguments involve if the participants did not like the prayer, they could get up and leave.

So these are the kind of intricate elements that were involved in this particular case. And here we are in the U.S. Senate with a menu that is chock-full, that is going to take us right up to October when we quit, we have suddenly decided that we are going to embark on advising the Supreme Court how to decide cases.

I just do not think it makes any sense at all. The distinguished Senator from Missouri has talked about how conservatives believe in judicial restraint. They do not believe that the Supreme Court or a court should be an area for activism, and yet they are suggesting in this particular case, that after hearing the sober and distinguished words of the U.S. Senate, they mean to reverse cause or direct their cause in a certain way.

I think it is unhealthy for the future of our country. I do not think it is the way the U.S. Senate should be spending its time. I certainly hope that the amendment will be defeated.

Mr. KENNEDY. Mr. President, how much time does Senator HELMS have?

The PRESIDING OFFICER. He has a full 60 minutes remaining.

Mr. KENNEDY. How much do I have?

The PRESIDING OFFICER. Forty and a half minutes are still allocated to the Senator from Massachusetts.

Mr. KENNEDY. I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, everybody remembers the first part of the 1980's and how volatile the school prayer issue was. We debated it endlessly. People were frightened of their next election because they thought they were going to be misunderstood. I was no exception.

The only thing I did was to go home and tell my people that I had a great reverence for the Constitution and I thought we should tinker with it sparingly and cautiously and I voted against the school prayer constitutional amendment submitted by the President.

Everybody knows that was a very unpopular vote in almost every State. I

opposed it not because that constitutional amendment would have tinkered with the most precious right we have guaranteed by the Constitution; namely, religious freedom. I voted against it because it clearly would not have provided voluntary prayer in school, which nobody objects to. It would have allowed the school boards of this Nation to tell our children when and what to pray.

And I must say, when I ran for reelection in 1986, I said in every community in my State what I just got through saying, and I promise you I did not have one single person disagree with the proposition that we do not want mandatory, prescribed prayers in the schools of this Nation.

And so I joined my good friend, Senator HATFIELD, from Oregon in crafting the so-called equal access law. I spoke fervently in favor of it because it did, indeed, provide for voluntary prayer in the country. In all of the schools where the children actually wanted devotional Bible study, theological discussion or prayer groups, the equal access law protected those activities as long as they were not teacher-led or preacher-led. It has worked extremely well.

Although I can't tell you exactly what percentage, I can tell you most of the schools in our State have Bible study groups and they meet in accordance with that act that we passed in this body in 1984 by a vote of 88 to 11. That vote says that this body believes in voluntary prayer when children want it and they should be given equal access to the facilities of their school district if the school district allows other groups to use district facilities.

So many, many school districts across the country are providing exactly what the Senator from North Carolina said he wanted: Voluntary prayer in school.

I went to the Supreme Court, Mr. President. It was the first time I ever heard an argument before the Supreme Court in my life. Because I was so interested in the equal access issue, I wanted to hear the oral arguments before the Court. I went over there, and I sat through it. It was one of the most interesting, engaging, edifying experiences I ever had. As you know, the Court voted 8 to 1 to uphold the constitutionality of that law in a very well-reasoned opinion giving the children of this country the right to pray voluntarily.

If you want to cop out on this, you can vote for it. It is a sense-of-the-Senate resolution. It has no impact, no meaning; it is not enforceable. But when you do that, you should bear in mind that you are also interfering in a sense with a third branch of Government. When Madison and all the others set up three branches of Government they did not intend for the Congress to tell the Supreme Court how to rule. That is what the Court is there for, to

be an independent monitor on the laws of this Nation and the interpretation of our Constitution.

This amendment is not about a single issue, not just religion, but the Constitution itself, for which I have a strong feeling.

So I can only conclude, Mr. President, that since the Senator from North Carolina got his way in 1984 when this body adopted a law that provided for voluntary prayer, the fact that he comes back to this body 7 years later saying I want this decision reversed, that decision reversed, I can only conclude that he is not happy with voluntary prayer in school. What he wants is mandatory prayer in school. And even though this is an unenforceable sense-of-the-Senate resolution, I urge my colleagues to vote no.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty-five minutes.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, I know of at least one other Senator who wishes to speak on this measure. I hope that perhaps those who are supporting the amendment might make some comment on it.

I rise in opposition to the amendment.

It would tell the Supreme Court to use the Weisman case, which was already argued on November 6 of last year, as a vehicle to overrule two-decades-old Supreme Court decisions that bar public schools from engaging in organized prayer in the classroom.

The Weisman case does not present this issue to the Supreme Court. It raises only the question of the constitutionality of opening a public school graduation ceremony with a prayer. It does not address prayer in the classroom; and no party asked the Supreme Court to reconsider the school prayer decisions—Engle versus Vitale and Abington versus Schemp—indeed, the Solicitor General explicitly told the Court the United States was not seeking their reconsideration.

So if the Senate were to adopt this amendment, it would be urging the Supreme Court to engage in the kind of judicial activism that Members of the Senate so often criticize.

And let us be clear on what this amendment does.

It urges the Court to reverse Engle versus Vitale, in which the Court struck down a mandatory official school prayer, which the State required to be read in the classroom. The Helms amendment urges that the Court should reverse its holding in Engle—which would mean that States would be free to write official prayers and require them to be read in the classroom.

The Helms amendment would also urge the Court to reverse Abington ver-

sus Schemp, which prohibits local school districts from conducting prayers in the classroom as part of the school day. Reversing Schemp means that school districts could require prayer in the classroom.

Officially mandated school prayer demeans religion and sends a message to religious minorities that they are outsiders—not part of the American family.

It is ironic that so-called conservatives who oppose Government regulations actually want Government to engage in religion.

Nothing in the law today prohibits a student from praying quietly to himself or herself at any time during the school day, and no doubt many students do, particularly at graduation time.

As has been pointed out by the Senator from Arkansas, the Federal law, the Equal Access Act, protects the rights of religious groups to equal access to meeting rooms in public schools for voluntary prayer.

So the Helms amendment is unwise, unnecessary, and an inappropriate attempt to cause the Senate to interfere with the resolution of a case now under consideration by the Supreme Court. I hope it will be rejected.

Mr. President, I suggest the absence of a quorum, and ask that the time be evenly counted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. EXON. Mr. President, I thank the floor manager of the bill. I thank the Chair.

Mr. President, this Senator for a long time has felt—and personally feels—that we should be a little more lenient than we have been in the past with the Court decisions with regard to voluntary prayers in school. I have voted on numerous occasions for such measures in the U.S. Senate.

I have been listening to the debate, however, and I hope that the sense-of-the-Senate resolution that is proposed is overwhelmingly defeated on the floor of the U.S. Senate. It goes back to what several Senators have spoken on; that is, the separation of powers, which is very fundamental to our form of government.

To be passing sense-of-the-Senate resolutions, which could rightly be interpreted as trying to dictate indirectly to the Supreme Court, is fundamentally wrong. The more conserv-



ative a person is in their political views should automatically dictate that they follow the basic dictates of the separation of power ordained no other place in the Constitution.

So I think that these types of mischievous amendments and sense-of-the-Senate resolutions we are very likely to be plagued with in this election year.

You make a point here, make a point there, to pick up a vote here, or pick up a vote there without recognizing what the actions might do to the basic form of our Government.

I hope, Mr. President, that this body will overwhelmingly vote down this amendment, and maybe, just maybe begin to set a precedent or send a signal that the majority on both sides of the aisle are not going to tolerate time and time again the use of this body for other than what it was intended; that is, to pass laws as we see fit by majority vote, and then allow the courts—the third branch of Government—to make a determination, as is their responsibility and not ours, as to what is proper under the Constitution.

Mr. President, when I heard this debate and when I recognize and realize that we have so many very, very challenging things to deal with, I think it does not bode well for this body if we start out taking the amount of time that we have on this totally meaningless sense-of-the-Senate resolution that will not resolve or dissolve anything except allow the exchange of rhetoric on this body that from time to time has been designated as the most deliberative debating society in America.

What I am saying is I hope that in these very, very trying and difficult times when there are many important vital matters before us in all areas that we can defeat this sense-of-the-Senate resolution by an overwhelming vote regardless of our individual feelings on the issue that is being raised. This is not the time. This is not the place. This would not be, in my opinion, the proper action. A big vote to vote down this amendment, rather than voting along philosophical lines, would send a signal I believe that would stand us even better as we march on down the road in 1992 to very important, and I hope deliberative, decisions that we as Members of the Senate are going to face.

I thank my friend for yielding the time. I yield the floor and yield back any time remaining.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Vermont may desire.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise to oppose the Helms amendment. I have listened to the debate and, in par-

ticular, my good friend from Missouri, and he made so many good points that I am not going to reiterate them.

But I think it is important that we know what this amendment may or may not be doing. It may be doing a lot. It may be doing nothing. But I cannot believe that the Senator from North Carolina would propose something here that was not meant to do much of anything. That is why I would not be misled by the reading of the amendment, which makes it appear that many—as would be true—of the items, if interpreted according to that language, really are allowed anyway. That is, access to schools or meetings, et cetera.

But, as Senator DANFORTH pointed out, the holdings of those cases that are going to be reversed, do much more. For those who are specific, official prayers; meaning if they are overruled, as this would request, that would really take a whole new view of this amendment, because it would then put us in a position where official prayers by school boards would be allowed.

Well, let me talk a little bit about my good State of Vermont, and why this is of particular interest to us. Vermont was an early State. The people that settled in Vermont, however, escaped from those people that were in Connecticut and Rhode Island and other places, because they felt that they were being persecuted with religious situations. You have to remember that the people in Connecticut and Rhode Island had escaped, thinking that the tyrannies of Europe, the King of England, et cetera, prevented them from freedom of religion.

Keeping that in mind, and recognizing that at that time, also, these two gentlemen, Joseph Smith, and the other, Brigham Young, felt they had to leave Vermont to go to a freer place, to Utah, to form the Mormon religion. Thus, in my State, the concept of ensuring that there is freedom of religion and no persecution is a very, very important issue. I want to bring that out so you will know a little bit more of what I am talking about.

I also want to refer to the discussion of the Senator from Missouri about conservatism. I will not reiterate that. I am not a conservative; I am a moderate. I point out that eight out of the nine Supreme Court Justices at this time are conservatives. To me, if you are a conservative here, I think you might wonder if it would not be insulting, if not backfire, to tell eight conservatives what you believe the conservative policy ought to be after they were sent there. I think this might backfire.

It is insulting to think that we have the right now, having nominated eight conservatives, to expect that now we are going to tell you what to do now that we have you.

Also, I think we all have our own vision of facts when we worry about free-

dom of prayer and the ability of prayer in the schools. I am sure that certainly in those areas where religion is so dominant, they picture the schoolroom with perhaps 30 Protestants, and 1 atheist, and somehow that child in that family will dictate what their young people can and cannot do in the school.

Suppose you reverse that situation, as it can well happen in areas of this country, whether it be in areas like San Francisco, CA, where you may have 30 Buddhists or 30 Hindus, or 30 other religions very different from our Protestant religion, which I happen to have, and to say that your child is going to be at least pressured, or whatever, to listen to a religion which is very alien to yours. Would you have the same view of the freedom-of-religion concept? I do not believe you would.

More likely, it might be a Jewish child in a Protestant area, or a Protestant in a Jewish area. There are good, sound reasons to keep this out of the schoolroom.

I think that the reversal of these decisions, in particular, would really do real damage to what is understood to be a fundamental constitutional belief. I hope that we will not in any way meddle with it today and, really, set a precedent of instructing the Court what to do.

I also think there is a feeling which a lot of us have—and most Members feel the same way—that not enough people are going to church. Our children are just not getting the religious education. But is that the responsibility of the Government? No, it is not. That is the responsibility of the families. Maybe we have not done as good a job as we should do. But we cannot change our constitutional beliefs because we, as parents, have failed.

So I hope that we will keep in mind that in voting on this amendment, it really is doing something which is insulting to the Court and indicates that we are going to start dictating to the Court. I think it might well be a counterproductive effort if you are in favor of the concepts.

Mr. President, I urge the Members to really think carefully before they vote in favor of this amendment.

I yield the floor.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will not be long. I could not let this discussion take place without voicing my opinion.

I was sitting in the chair now held by the distinguished Senator from West Virginia, and listening to the debate.

I listened to the proponents of this amendment and, frankly, was not only dismayed, I was amazed by what I sensed was the tenor of their argument.

The proponents of the amendment were talking about the Supreme Court's action to be, and how the Senate ought to send this message to them. This suggests something about how independent they think the Supreme Court shall be. First, they say let's send a message over to the Supreme Court saying, "Hey, guys and gals—this is how we would like to see you vote."

Mr. President, I am sure that all Senators agree that religion has a significant role in family life and individual life in America today. But I also feel—especially coming from the State of New Jersey—that we should respect people with different religious beliefs. New Jersey has perhaps the largest number of different ethnicities of any State in the country, over 100, including several different religions such as Islam, Judaism, Christianity, Russian Eastern Orthodoxy; you name it.

Can you imagine what kind of a measures we would have to make to make sure no one was uncomfortable?

I do not understand why, if prayer is so important to that family—and I understand the value of prayer—why a family can not gather together at breakfast time before school, and pray together? Why does it have to be in the face of others, children, as well as teachers, who might be made uncomfortable by having to listen to one person's prayer or another?

What would happen if religious artifacts are included in a school prayer? Some religions require a hat or require a wrapping of the arm. Should everybody be made to stand aside if that religion's practice is dominating the schoolroom?

Mr. President, one of the things that threaded through the discussion that was taking place was an intolerance, or a bias against those who do not agree with the majority. To say to a child, "You do not have to participate; all you have to do is stand in the corner like a dunce when 29 out of 30 kids hold a prayer." This is not fair to a child's beliefs.

Our Constitution protects the rights of the individual. That is what it is supposed to do, protect the minority, the one who is unique, the one who is different so that he or she can conduct himself or herself as they see fit. But this is not what the proponents want. They want to violate their rights, their privileges, and tell people to surrender their constitutional rights in the interest of voluntarism.

Mr. President, I think this is an unfortunate debate that is taking place on the floor of the U.S. Senate. This country hangs in the precipice of a declining standard of living, 9 million people out of work and the threats of many more are following. This becoming routine, people are anxious and frightened. They do not know what their futures hold. The Senate is trying

to proceed to invest in our future, but now we are interrupted to discuss taking away constitutional rights. That is what we are discussing, not extending rights, but taking away the rights of those perhaps atheists who are entitled to live in this country in disbelief. We disagree with them, but we respect their privileges. That is the greatness of America. But, while we debate education policy we have to stop to discuss something that is divisive.

Mr. President, the last thing that we need at this moment in American history is to be talking about things that might deprive one person or another of their rights.

That is the last thing that ought to be taking place, and the very nature of this sense-of-the-Senate resolution is to divert attention away from something that is meaningful and productive, a bill that provides education funding to improve schools to make this country competitive. Let us deal with our economy. Let us deal with our economic crisis. Let us deal with the fire that is burning across America. But no. This is the time for mischief. Since they have the floor, they have the TV, they get a little attention. This is not the time to stand up and say everybody has to pray and everybody has to listen to another person's bible, another person's prayers which may not be their own. And they want to record how the Senate votes and make sure that those who disagree with them are recorded so the record reflects back home that they are either without commitment, without value, without family, without a belief in God. Nothing could be further from the truth.

No, Mr. President. This resolution is mischief at its best, and I hope that we will overwhelmingly reject it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

Mr. HELMS. I hope the Senator will withhold that.

Mr. KENNEDY. I withhold it.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I yield myself, Mr. President, such time as I may require.

First of all, several Senators are calling in wanting to be cosponsors, Senator SYMMS, Senator CRAIG, and Senator ROTH for the time being. Others are coming. I ask unanimous consent that they be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I do not know what amendment the Senators who have just spoken are talking about. They certainly are not talking about the pending amendment. I have never heard so many inaccuracies in describing an amendment before this body.

In a moment, I am going to read, as the clerk has already done, the full text of the amendment. In the meantime, I am going to have placed on the desk of each Senator, a reprint from the December 9, 1991, issued Time magazine. The reprint includes the results of a poll taken on religion in America by Time and CNN. It was a telephone poll of 500 American adults taken on October 10 by Yankelovich Clancy & Shulman. The sampling error is plus or minus 4.5 percent, "not sures" omitted.

The first question asked and the percentage of affirmative answers was as follows:

"In American schools, which of these activities should be allowed on school grounds?" Voluntary Bible classes, 78 percent in favor; voluntary Christian fellowship groups, 78 percent in favor; prayers before athletic games, 73 percent in favor; and even church choir practice received an affirmative vote of 56 percent.

Second question: "Do you favor or oppose allowing children to say prayers in public schools?" Eighteen percent opposed, 78 percent in favor.

"Do you favor allowing children to spend a moment in silent meditation in the public schools?" Nine percent opposed, 89 percent in favor.

Next question: "In American life, how much religious influence is there?" The answers were "too much, 11 percent; too little, 55 percent; right amount, 30 percent."

Next question: "Is religious influence increasing?"

Twenty-seven percent said yes. Is religious influence decreasing? Sixty-five percent said yes.

Next question: "Do you favor or oppose displaying symbols like a Nativity scene or a menorah on government property?" Twenty-six percent opposed; 67 percent in favor.

"Do you favor or oppose removing reference to God from all oaths of public office?" Seventy-four percent opposed; 20 percent in favor.

And the last question: "Would you vote for a Presidential candidate who did not believe in God?" Sixty-three percent said no; 29 percent said yes.

Now, Mr. President, following my previous remarks, I left the floor and went to the cloakroom. I did that so as not to intimidate or otherwise affect any Senator speaking in opposition to my amendment, which I, of course, expected. I also expected the very Senators to oppose it would be the ones who did in fact oppose it.

We have a television monitor in the cloakroom, and I listened attentively to what each of the Senators said, and I say, with all respect, that I found myself astonished at some of the assertions.

It occurred to me that it is small wonder that Congress is held in such low esteem by the American people, where we rank down in the neighborhood of used car salesmen.



We have just heard something like 45 minutes of arguments against an amendment that insofar as I know has not been offered.

The arguments were certainly not made against my amendment, because I suspect the Senators have not even read it. Anybody who reads the text of the pending Helms amendment will, I believe, tell you that my colleagues were not talking about the amendment on which we shall soon vote.

It may be voted down, and that will be no novelty for me. Around this place, you win some and you lose some. But I feel that I will have done my duty by offering the amendment: One, on behalf of what I think is right, what I believe in my heart is right; and two, on behalf of what I believe the American people expect the Congress to do.

But let me read the amendment in its entirety so these arguments about mandating prayer can be put to rest—to the extent that is possible.

The amendment states:

It is the sense of the Senate that when the Supreme Court considers the case of *Weisman v. Lee* [908 F.2d 1090 (1st Cir. 1990)] it should use that opportunity to reverse the Supreme Court's earlier holdings in the *Engel v. Vitale* [370 U.S. 421 (1962)] and the *Abington School District v. Schempp* [374 U.S. 203 (1963)] cases so that voluntary prayer, Bible reading, or religious meetings will be permitted in public schools or public buildings to the extent that student participation in such activities is not required by school authorities.

We heard repeatedly—I am tempted to use the word "nonsense" but I will not use it because I do not want to insult Senators—that the Helms amendment calls for mandatory prayer. Three Senators made that outright declaration. They are bound to know that that is not the case.

The amendment states that the Court should reverse two earlier holdings so as to permit "voluntary prayer \*\*\* to the extent that student participation \*\*\* is not required by school authorities."

Let me say parenthetically that I know the members of the Supreme Court, many of them personally. It is absurd to suggest that they will be insulted by this amendment.

And it is not a breakdown of the tripartite system of checks and balances in the powers of Government by any means. The Senate of the United States, indeed every Member of Congress, House, and Senate, takes an oath to represent to the best of his ability and to the best of his judgment the Constitution of the United States and implicitly the will of the people.

However, if Senators want to ride roughshod over the will of the people, be my guest, vote against the amendment. But do not try to pretend that this amendment will be an insult to the Supreme Court of the United States, because it will not.

As a matter of fact, it was just a few months ago, that a nominee for the Su-

preme Court was before the Senate Judiciary Committee and, as the saying goes, before God and everybody there was an effort to press him into a position of having to pass a litmus test. There were acknowledgments, implicit and otherwise, that certain Senators were not going to vote for this nominee unless he conformed to what they wanted in terms of a vote on a specific issue likely to come before the Supreme Court.

Now these same Senators are saying that a sense-of-the-Senate amendment is too intrusive on the Court's prerogatives?

Not true. And I think those who say it know it is not true.

Furthermore, all day long Senators have talked about the deterioration of the quality of education in the United States of America. Well, Mr. President, our oldest daughter is a principal of a school and she has dealt firsthand with problems of all sorts plaguing the schools. I wish she could stand beside me here today and tell of some of the frustrations she has faced trying to abide by those two Supreme Court decisions, which outlawed prayer in the schools.

School administrators, fearing that they will violate the Court's edicts overreact. Often they are too heavy-handed. As a result, it is not inaccurate to say that God has in fact been kicked out of the classroom.

I admit I have been on this Earth awhile. But, every day that I was in school there was some degree of emphasis on the belief that there is a creator, which should be no novelty since there is a document dear to us written by our Founding Fathers, which speaks of our Creator.

And, as I said earlier, here we have Senators complaining about a suggestion that we permit school children to do exactly what we do every day when we go into session—we say a prayer. The chaplain walks into that door, walks up there, he is presented by the acting President pro tempore and he delivers an eloquent prayer. But we deny that, we deny that to the school children of America.

The Helms amendment was characterized as "judicial activism" by some of the Senators who preceded me. The fact is, as I said earlier, it is precisely the opposite. It was the Supreme Court's decisions of 1962 and 1963 outlawing nearly 190 years of voluntary school prayer that constituted judicial activism.

I have told my colleagues on other occasions about Madalyn Murray, who forced these Court decisions. I described her advisers in that lawsuit, and her son, Bill Murray—whom she used as a pawn in those Court cases. In fact, her son Bill Murray, now travels around the country almost full-time apologizing for what his mother used him to accomplish.

Mr. President, we also heard Senators claim concern about the pressure would be put on children by the voluntary prayers of their peers. But are these same Senators also concerned about the peer pressure put on young people who choose to leave mandatory sex education classes? I think not. They are the ones who wrote such mandatory classes into law.

We never hear a mumbling word about the harmful effects of peer pressure in that situation. Yet, the very same principle these Senators find so onerous, in the school prayer context, is perfectly proper and constitutional in their opinion as long as it is used to prejudice children against maintaining their sexual modesty and purity, as evidenced by the practices of handing out condoms in the schools as the distinguished Senator from Oklahoma described so vividly earlier today.

Mr. President, I make no apologies for this amendment. I have responded to the suggestions of literally hundreds of people, many of them here in town just yesterday, who said "Please do something to restore voluntary prayer in schools."

While I am at it, Mr. President, let me pay my respects to a gallant lady who, I think, is well known to most Senators and many, many Americans. Her name is Martha Rountree.

Martha Rountree, and a gentleman named Lawrence Spivak, founded the television program "Meet The Press", many, many years ago. I first met Martha Rountree when I went out to the Wardman Park Hotel, as it was known then, from which the "Meet The Press" program originated every Sunday. I admired her and Larry Spivak then, and I admire them today. But Martha Rountree is one of the prime leaders of those in this country who want voluntary prayer restored to the schools of America.

She heads an organization known as the Leadership Conference. She has many, many thousands of members of her organization, and she is dedicated to the proposition that whatever she can do to help encourage the restoration of voluntary prayer in the schools, she is going to do.

Mr. President, I would also like to take a moment to read a story that appeared in the North Carolina papers last October. Perhaps it ran in other newspapers around the country as well because it was reported by the Associated Press, from Lexington, NC.

Let me tell you how this one individual, who was the subject of the report, feels about this issue. Perhaps if he were here on the Senate floor and said to us today what he has said earlier, and what is reported in this news story, some Senators would ridicule him. They would say that he is destroying the Constitution, but I do not think so. Let me read the story.

It was published on October 26, 1991, in the Charlotte Observer:

Ronald Chapman will teach his last class Monday rather than stop leading his mentally disabled students in prayer.

Now the ordained Baptist minister hopes to find a church where he can serve as pastor. He said he's not bitter about the series of events that led him to quit.

"It's disappointing, but I understand the principal and the superintendent and the board of education's viewpoint, because they are trying to obey the law \* \* \*, I happen to disagree with the law," Chapman told the Winston-Salem Journal.

Chapman said he has led his students in prayer and read Bible stories for all of his 32 years as a teacher.

School officials have asked him to stop the practice, although he has had no complaints from students or their families, he said.

The U.S. Supreme Court has ruled that prayer in public schools is a violation of the constitutional separation of church and state.

"I don't feel like what I was doing was wrong," Chapman said Thursday. "I've had parents to write letters, notes, telephone calls, to say that they appreciated what I was doing."

Chapman, 55, included information about his in-class religious activities in an article he wrote for the school's newsletter, Chapman is a vocational-education teacher at the Children's Center, which serves mentally disabled students from the county's three school systems.

Chapman said he started each school day by leading his class in "a prayer from the heart."

"It's more or less a thank-you type prayer," he said.

Chapman said he respects the rights of others and would not have forced students to participate if they did not want to pray.

Clifton Pickett, who became the school's superintendent this year, learned of the prayers and Bible readings, asked Chapman to halt the practice. Pickett declined to discuss the case, saying it was a personnel matter.

The school system offered Chapman another job testing students and developing individual vocational programs for them, he said, Chapman said he did not feel he was qualified for the job.

Mr. President, I have read this into the RECORD because obviously this was an action taken to remove this good man who for 32 years had loved and cared for mentally disabled students, and his crime was that he dared to pray with them. He dared to tell them Bible stories. Oh, what a sin that was.

Mr. President, the bottom line is that S. 2, the underlying bill, calls for more than \$800 million in additional education funding. That, I say to the Senate, will be throwing good money after bad unless we address the fundamental problems afflicting our schools. Throwing \$800 million extra at today's educational system is a waste of both time and money.

The root problem in our schools, in our society, I submit, is the breakdown in morality at home and in public. This is a breakdown which, as I indicated earlier this afternoon, can be statistically traced to its beginning immediately following the two Supreme Court decisions in 1962 and 1963.

I cannot prove that this was the sole cause, but I can declare with all of the

sincerity I possess, that it was a major cause.

Every school boy and girl knows the story of Benjamin Franklin at Philadelphia, when the Founding Fathers were gathered there to create this Nation. He stood before those who labored to bring forth our Nation, and he said something to the effect: Sirs, I have lived a long time. And then he said he was certain of one thing; that a God who lets no sparrow fall without his notice is highly unlikely to allow a great Nation to be born, if not in his name and with his grace.

That is not an exact quote, but that is the meaning of it. Some say Benjamin Franklin was an agnostic. I have heard various descriptions of him, but on that occasion he spoke from the heart. He enjoined his colleagues to close the windows and the doors and get down on their knees and pray for guidance in the creation of this country.

We, individually and as a nation, have forgotten how to pray, and I am convinced, I am absolutely persuaded, that that is the major problem—in our schools and elsewhere.

So I say to Senators, ridicule the amendment, scoff at it, if you will, but it is an amendment offered in sincerity and with great conviction. The American people will be attentive to how each Senator votes on this amendment. Senators should be given an opportunity to vote up or down on this issue. I have done my duty in that regard as best I know how.

Mr. President, I ask for the yeas and nays on the Pressler amendment.

The PRESIDING OFFICER. The Chair points out the matter is not the pending question and, therefore, the request of the—

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order, notwithstanding the fact that the Helms amendment is pending to ask for the yeas and nays to be ordered on the Pressler amendment, to which the Helms amendment would be a second degree.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the yeas and nays be ordered on the Pressler amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. HELMS. Meaning there is not a sufficient number of Senators on the floor, meaning that there are three, counting the distinguished Senator from West Virginia who is presiding and the distinguished Senator from Nebraska.

Mr. President, I am going to suggest the absence of a quorum so that we can get Senators here to get the yeas and nays and that the time be charged to neither side.

The PRESIDING OFFICER. The Senator makes that request. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, parliamentary inquiry: Would the Chair examine the unanimous-consent request and advise the Senator from North Carolina whether he is assured of an up or down rollcall vote on his amendment as the unanimous-consent request granted reads?

The PRESIDING OFFICER. The request was for a vote on the Senator's amendment.

Mr. HELMS. I understand that. I see the manager of the bill, Mr. KENNEDY, on the floor. I would advise him that I am prepared to yield back the remainder of my time, one, if he yields back the remainder of his time and, two, if I may be assured of an up or down rollcall vote.

Mr. KENNEDY. Will the Senator yield?

Mr. HELMS. Yes.

Mr. KENNEDY. It would be my intention, as indicated in the consent agreement, that the Senator would get an up-or-down vote.

Mr. HELMS. Mr. President, that was the question I just posed with the Parliamentarian. With that assured, Mr. President—

Mr. KENNEDY. If the Senator will yield further, it would be my intention to yield back, to indicate now to the Members that we will be voting earlier than announced. Instead of 6:20, we will be voting earlier. But I would like to have about a 5-minute quorum call and then ask for the yeas and nays and then move toward a vote. That is what would be our intention.

So I indicate now to the Members we do expect to start a vote in 5 or 7 minutes, and that we will have a short quorum call. I will advise the Senators of that question, and the issue will be on the amendment of Senator HELMS. It will be an up-or-down vote.

Mr. HELMS. But the yeas and nays still must be obtained.

Mr. KENNEDY. The Senator is correct. I join the Senator from North Carolina in having the sufficient second.

The PRESIDING OFFICER. Does the Senator make the request?

Mr. HELMS. I do.

The PRESIDING OFFICER. Is there sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from North Carolina.

Mr. President, the issue this amendment presents to the Senate today is



not whether there should be prayer in the public schools of this country. The issue before us goes to the heart of the separation of powers between the three branches of Government.

This amendment expresses the sense of the Senate that the Supreme Court should decide the case of *Weisman versus Lee*, a case that has already been argued before the Court, in a way that will overturn two Supreme Court precedents, *Engel versus Vitale* and *Abington School District versus Schempp*, established more than 30 years ago.

One of the issues before the Court in *Weisman* appears to be whether a prayer can be offered at a public school graduation ceremony. I say it appears to this Senator that that is one of the issues because that is what I have read in the newspapers about this case. I have not read the briefs in this case. I did not read the underlying precedents on both sides of this case.

With this paucity of knowledge, how can I be expected to tell the nine sitting Justices of the Court how to decide the constitutional merits of the case before the Court. How many of the Members of this body have read the briefs in this case or listened to the arguments? I would venture to say that few, if any, of my colleagues have done so. We are just not equipped to make such a constitutional determination.

Moreover, even if every Member of this body had read the briefs and attended oral argument, it would still be inappropriate for the Senate to tell the members of the Court how they should rule on the constitutionality of the issue presented to them. It clearly violates the spirit of the separation of powers embodied in our Constitution when the legislative branch sends a political message to the Court about how it should decide a case.

Mr. President, the Supreme Court often renders decisions that a large majority of the public and a large majority of the Congress may disagree with. But the Court does not render decisions based on public opinion polls. It renders decisions based on an independent assessment of the constitutionality of the practice in the case before it.

Political pressure from the legislative or executive branch should never serve as the basis upon which the Supreme Court reaches its decisions. The Justices are sworn to uphold the Constitution of the United States. They should reach decisions based on the merits of the arguments presented, historical precedent, and their own reasoned analysis of the Constitution. Political messages should play no role in their decisions.

I therefore urge my colleagues to oppose this blatant effort to politicize the decisions of the third branch of Government.

Mr. GRASSLEY. Mr. President, I join some of my colleagues who have con-

cerns regarding the pending amendment.

I am fully in support of voluntary school prayer; anyone who has been around this Chamber for long knows that.

But I am concerned, Mr. President, that this amendment is not actually dealing with voluntary school prayer.

The two cases that are cited, *Engle versus Vitale* and *Abington School District versus Schempp*, are not voluntary school prayer cases. Both of these cases involved mandatory prayers in the public schools using the authority of the State to impose pressure on young children.

I have supported voluntary school prayer in the past and would gladly support it again in the future;

Thus my vote today is not a vote for compulsory school prayer, but a message to the Court to take the opportunity to affirm voluntary prayer in school absent the authority of the State to compel.

Mr. WOFFORD. Mr. President, I oppose the amendment offered by the Senator from North Carolina [Mr. HELMS].

Under our plan of government it is not the province of the legislative branch to advise the Supreme Court about a pending case, any more than it would be the province of the Supreme Court to advise the Senate about pending legislation. So I believe a sense-of-the-Senate resolution on a pending case is constitutionally inappropriate.

Moreover, the Supreme Court cases this resolution calls for the Court to reverse deal with the recitation of State-scripted prayers which would clearly violate the separation of church and state that is one of the first principles of our plan of government. I do support students' right to pray or read the Bible on their own time and to exercise their first amendment right to freedom of religion, and I would not prohibit such activities in school facilities so long as other students are not required to participate. I would also support the use of school facilities for voluntary out-of-class activities by religious groups.

Mr. HELMS. I yield the remainder of my time.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair advises the Senator that we are in a nondebateable posture right now. The regular order would be a vote on the Helms amendment.

Mr. THURMOND. I ask unanimous consent that I be allowed to make this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, while I support voluntary prayer in public schools and have done so for many years, I cannot support this sense-of-the-Senate provision. This amendment, in my view, would improperly interfere with the independence of the judicial branch of Government.

Mr. President, let me reiterate that I strongly support voluntary prayer in schools, but it is not the role of the legislative branch of Government to direct the judicial branch as to its course of action.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The regular order is the vote, then, on the Helms amendment.

The question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arizona [Mr. DECONCINI], the Senator from Iowa [Mr. HARKIN], and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from New York [Mr. D'AMATO], the Senator from Utah [Mr. GARN], and the Senator from Washington [Mr. GORTON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 55, as follows:

{Rollcall Vote No. 4 Leg.}

YEAS—38

Bentsen	Grassley	Nunn
Boren	Hatch	Pressler
Breaux	Heflin	Rockefeller
Brown	Helms	Roth
Burns	Hollings	Sasser
Byrd	Johnston	Seymour
Coats	Kasten	Shelby
Cochran	Lott	Simpson
Craig	Mack	Smith
Dole	McCain	Stevens
Domenici	McConnell	Symms
Ford	Murkowski	Wallop
Gramm	Nickles	

NAYS—55

Adams	Durenberger	Lugar
Akaka	Exon	Metzenbaum
Baucus	Fowler	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gore	Moynihan
Bradley	Graham	Packwood
Bryan	Hatfield	Pell
Bumpers	Inouye	Pryor
Burdick	Jeffords	Reid
Chafee	Kassebaum	Riegle
Cohen	Kennedy	Robb
Conrad	Kerry	Rudman
Cranston	Kohl	Sanford
Danforth	Lautenberg	Sarbanes
Daschle	Leahy	Simon
Dixon	Levin	
Dodd	Lieberman	

Specter	Warner	Wirth
Thurmond	Wellstone	Wofford

## NOT VOTING—7

Bond	Garn	Kerrey
D'Amato	Gorton	
DeConcini	Harkin	

So the amendment (No. 1478) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1477

The PRESIDING OFFICER. The question now occurs on amendment No. 1477 offered by the Senator from South Dakota [Mr. PRESSLER].

The amendment (No. 1477) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESIDING OFFICER. The majority leader is recognized.

## TIME LIMITATION AGREEMENT

Mr. MITCHELL. Mr. President, for the information of Senators, I am about to propound a request to obtain consent to proceed to the next amendment.

Accordingly, Mr. President, I ask unanimous consent that there be 1 hour equally divided and controlled in the usual form on the Hatch amendment with respect to choice, that no amendments to the amendment be in order, and that at the conclusion or yielding back of time the Senate without any intervening action or debate proceed to vote on or in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, and I will not object, I wonder if the leader might tell us what he has in mind following that? Is that it or is there more to the unanimous consent for this evening? Is there another one that does something else regarding other amendments that the Senator is going to propose?

Mr. KENNEDY. If the majority leader will yield so that I may be able to respond, I think probably the Senator from Utah is best able to answer whether there are going to be follow-on amendments on that particular issue. There had been some suggestion there might be—I do not know whether there will be or not—probably two or three other amendments that have been raised on our side that hopefully can be disposed of in a very short period of time, or that we will probably get some agreement on. And I would hope that during the time of this debate we would be able to inform all the Members what the other amendments, that at least have been brought to our at-

tention or to the ranking minority's attention, might be so that all Members would know.

Mr. DOMENICI. I thank the chairman, and I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Will the Senator yield for a moment? There will be order in the Chamber.

The Senator from Utah is recognized.

## AMENDMENT NO. 1476

(Purpose: To establish a Low-Income School Choice demonstration project)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself, Mr. LIEBERMAN, Mr. SMITH, Mr. COATS, and Mr. BRADLEY, proposes an amendment numbered 1476.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the committee amendment, on page 56, between lines 19 and 20, insert the following:

**TITLE III—LOW-INCOME SCHOOL CHOICE DEMONSTRATION**

**SEC. 301. SHORT TITLE.**

This title may be cited as the "Low-Income School Choice Demonstration Act of 1991".

**SEC. 302. PURPOSE.**

The purpose of this title is to determine the effects on students and schools of providing financial assistance to low-income parents to enable such parents to select the public or private schools in which their children will be enrolled.

**SEC. 303. DEFINITIONS.**

As used in this title—

(1) the term "choice school" means any public or private school, including a private sectarian school, that is involved in a demonstration project assisted under this title;

(2) the term "eligible child" means a child in grades 1 through 12 who is eligible for free or reduced price meals under the National School Lunch Act;

(3) the term "eligible entity" means a public agency, institution, or organization, such as a State, a State or local educational agency, a consortium of public agencies, or a consortium of public and private nonprofit entities, that can demonstrate, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) carry out the activities described in its application under this title;

(4) the term "parent" includes a legal guardian or other individual acting in loco parentis;

(5) the term "school" means a school that provides elementary education or secondary education (through grade 12), as determined under State law; and

(6) the term "Secretary" means the Secretary of Education.

**SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

For the purpose of carrying out this title, there are authorized to be appropriated \$30,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 and 1994.

**SEC. 305. PROGRAM AUTHORIZED.**

(a) RESERVATION.—From the amount appropriated pursuant to the authority of section 304 in any fiscal year, the Secretary may reserve not more than 5 percent for evaluation of programs assisted under this title, in accordance with section 311.

(b) GRANTS.—From the remainder of the amount not reserved under subsection (a), the Secretary shall make grants, in amounts not to exceed \$5,000,000 in the first year of the demonstration project, to eligible entities to carry out not more than 6 demonstration projects under which low-income parents receive certificates for the costs of enrolling their eligible children in a choice school.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing education certificates to low-income parents to enable such parents to pay the tuition, fees, the allowable costs of transportation, if any, and the costs of complying with section 309(a)(1), if any, for their eligible children to attend a choice school; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the grant recipient provides certificates or 10 percent in any subsequent year, including—

(A) seeking the involvement of choice schools in the demonstration project;

(B) providing information about the project, and the schools involved in the project, to parents of eligible children;

(C) determining the eligibility of children to participate in the demonstration project;

(D) selecting students to participate in the demonstration project;

(E) determining the value of, and issuing, certificates;

(F) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

(G) collecting and making available to the Secretary such information about the effects of the demonstration as the Secretary may need to conduct the evaluation described in section 311.

(d) SPECIAL RULE.—Any school participating in the demonstration provided for under this title shall comply with title VI of the Civil Rights Act of 1964 and not discriminate on the basis of race, color or national origin.

**SEC. 306. AUTHORIZED PROJECTS; PRIORITY.**

(a) AUTHORIZED PROJECTS.—The Secretary may provide assistance under this title only to a demonstration project that—

(1) involves at least one local educational agency that—

(A) receives funds under section 1006 of the Elementary and Secondary Education Act of 1965; and

(B) is among the 20 percent of local educational agencies receiving funds under section 1006 of such Act in the State and having the highest number of children described in section 1005(c) of such Act; and

(2) includes the involvement of a sufficient number of public and private choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.



(b) **PRIORITY.**—In selecting grant recipients under this title, the Secretary shall give priority to—

(1) projects in which choice schools offer an enrollment opportunity to the broadest range of eligible children;

(2) projects that involve diverse types of choice schools; and

(3) projects that will contribute to geographic diversity, including States that are primarily rural and States that are primarily urban.

#### SEC. 307. APPLICATIONS.

(a) **IN GENERAL.**—Any eligible entity that wishes to receive a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) **CONTENTS.**—Each application described in subsection (a) shall contain—

(1) information demonstrating the eligibility of the applicant and its demonstration project;

(2) with respect to choice schools—

(A) a description of the standards used by the applicant to determine which public and private schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such children;

(B) a description of the types of potential choice schools that will be involved in the project;

(C)(i) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

(ii) a description of how the applicant will annually determine the number of spaces available for eligible children in each choice school;

(D) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children with certificates provided under this title than the school does for other children;

(E) an assurance that each choice school will have been operating an educational program of the same type as the program for which it will accept certificates, for at least one year before accepting such certificate;

(F) an assurance that the applicant will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

(G) a description of the extent to which choice schools will accept certificates as full payment for tuition and fees.

(3) with respect to the participation of eligible children—

(A) a description of the procedures to be used to determine the eligibility of children under this title, which shall include—

(i) the procedures used to determine eligibility for free and reduced price meals under the National School Lunch Act of 1947; or

(ii) any other procedure, subject to the Secretary's approval, that accurately establishes a child's eligibility within the meaning of section 303(2);

(B) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the applicant will—

(i) apply the same criteria to both public and private school children; and

(ii) give priority to children from the lowest income families;

(C) a description of the procedures to be used to ensure maximum choice of schools for participating children, including procedures to be used when—

(i) the number of parents with certificates who desire to enroll their children in a par-

ticular school exceeds the number of such children that the school has agreed to accept; and

(ii) grant funds are insufficient to support the total cost of choices made by parents with certificates;

(D) a description of the procedures to be used to ensure compliance with section 309(a)(1), which may include—

(i) the direct provision of services by a local educational agency;

(ii) arrangements made by a local educational agency with other service providers; and

(iii) an increase in the value of the education certificate in accordance with section 308(a)(2)(A);

(4) with respect to the operation of the demonstration—

(A) a description of the geographic area to be served;

(B) a timetable for carrying out the demonstration;

(C) a description of the procedures to be used for the issuance and redemption of certificates;

(D) a description of the procedures by which a choice school will make a pro rata refund of the certificate for any participating child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the certificate was used;

(E) a description of the procedures to be used to provide the parental notification described in section 310;

(F) an assurance that the applicant will place all funds received under this title into a separate account, and that no other funds will be placed in such account;

(G) an assurance that the applicant will provide the Secretary periodic reports on the status of such funds;

(H) an assurance that the applicant will cooperate with the Secretary in carrying out the evaluation described in section 311; and

(I) an assurance that the applicant will maintain such records as the Secretary may require, and comply with reasonable requests from the Secretary for information; and

(5) such other assurances and information as the Secretary may require.

#### SEC. 308. EDUCATION CERTIFICATES.

(a) **EDUCATION CERTIFICATES.**—

(1) **BASIC VALUE.**—The basic value of an eligible child's education certificate under this title shall be the cost of tuition and fees normally charged by the public or private school chosen by the child's parents.

(2) **INCREASES AND ISSUANCES.**—Subject to such regulations as the Secretary shall prescribe—

(A) the value of the certificate may be increased to cover the additional reasonable costs of transportation directly attributable to the child's participation in the demonstration project or the cost of complying with section 309(a)(1); and

(B) education certificates may be issued to parents of children who choose to attend schools that do not charge tuition or fees, to cover the additional reasonable costs of transportation directly attributable to the child's participation in the demonstration or the cost of complying with section 309(a)(1).

(b) **ADJUSTMENT.**—The value of the education certificate may be adjusted in the second and third years of an eligible child's participation to reflect any increases or decreases in the tuition, fees, or transportation costs directly attributable to that child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent over the value for the

preceding year. The value of the education certificate may also be adjusted in any fiscal year to comply with section 309(a)(1).

(c) **SPECIAL RULE.**—If a participating eligible child was attending a public or private school that charged tuition in the year before the first year of a grant recipient's participation under this title, the basic value of the certificate for such child shall be the tuition charged by such school for such child in such preceding year, adjusted in accordance with subsection (b).

(d) **MAXIMUM AMOUNT.**—Notwithstanding any other provision of this section, the basic value of an eligible child's certificate shall not exceed the per pupil expenditure for elementary and secondary education, as appropriate, for the preceding year by the local educational agency in which the public school to which the child would normally be assigned is located.

(e) **INCOME.**—Certificates, and funds provided under certificates, shall not be deemed income of the parents for Federal income tax purposes or for determining eligibility for any other Federal program.

#### SEC. 309. EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA.

(a) **EFFECT ON OTHER PROGRAMS.**—

(1) **IN GENERAL.**—Eligible children participating in a demonstration under this title, who, in the absence of such a demonstration, would have received services under part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 shall be provided such services.

(2) **PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**—Nothing in this Act shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act.

(b) **COUNTING OF CHILDREN.**—Notwithstanding any other provision of law, any local educational agency participating in a demonstration under this title may count eligible children who, in the absence of such a demonstration, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

(c) **SPECIAL RULE.**—Notwithstanding section 9 of the National School Lunch Act, a grant recipient under this title may use information collected for the purpose of determining eligibility for free or reduced price meals to determine a child's eligibility to participate in a demonstration under this title and, if needed, to rank families by income, in accordance with section 307(b)(3)(B)(ii). All such information must otherwise remain confidential, and information pertaining to income may be disclosed only to persons who need that information for the purposes of a demonstration project under this title.

(d) **CONSTRUCTION.**—

(1) **SECTARIAN INSTITUTIONS.**—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions, except that no provision of a State constitution or State law shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this title.

(2) **DESEGREGATION PLANS.**—Nothing in this title shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this title.

#### SEC. 310. PARENTAL NOTIFICATION.

Each grant recipient under this title shall provide timely notice of the demonstration project to parents of eligible children resid-

ing in the area to be served. At a minimum, such notice shall—

- (1) describe the demonstration;
- (2) describe the eligibility requirements for participation;
- (3) describe the information needed to establish a child's eligibility;
- (4) describe the selection procedures to be used if the number of eligible children seeking to participate exceeds the number that can be accommodated;
- (5) provide information about each choice school, including information about any admission requirements or criteria; and
- (6) include the schedule for parents to apply for their children to participate.

#### SEC. 311. EVALUATION.

The Secretary shall conduct a rigorous evaluation of the demonstration program authorized by this title. Such evaluation shall—

- (1) describe the implementation of each demonstration project and its effects on all participants, schools, and communities in the project area; and
- (2) compare the educational achievement of all students in the project area, including—

- (A) students receiving certificates; and
- (B) students not receiving certificates.

#### SEC. 312. REPORTS.

(a) **REPORT BY GRANT RECIPIENT.**—Each grant recipient under this title shall submit an annual report to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

(b) **REPORT BY SECRETARY.**—

(1) **IN GENERAL.**—The Secretary shall report annually to the President and the President shall report annually to the Congress on the progress of the local demonstrations, including information submitted by each grant recipient and from other sources.

(2) **SUBMISSION.**—The Secretary shall submit a report to the President and the President shall submit a report to the Congress on the national evaluation described in section 311 within 9 months after the conclusion of the demonstration projects assisted under this title.

On page 56, line 20, strike "TITLE III" and insert "TITLE IV".

On page 56, line 21, strike "301" and insert "401".

On page 2, after the item relating to section 212, insert the following:

#### TITLE III—LOW-INCOME SCHOOL CHOICE DEMONSTRATION

- Sec. 301. Short title.
- Sec. 302. Purpose.
- Sec. 303. Definitions.
- Sec. 304. Authorization of appropriations.
- Sec. 305. Program authorized.
- Sec. 306. Authorized projects; priority.
- Sec. 307. Applications.
- Sec. 308. Education certificates.
- Sec. 309. Effect on other programs; use of school lunch data.
- Sec. 310. Parental notification.
- Sec. 311. Evaluation.
- Sec. 312. Reports.

On page 2, redesignate the item relating to Title III as the item relating to Title IV.

On page 2, redesignate the item relating to section 301 as the item relating to section 401.

**Mr. HATCH.** Mr. President, as I understand it, the pending business is my low-income school choice demonstration amendment; is that correct?

**The PRESIDING OFFICER.** The Senator is correct. It is amendment No. 1476.

**Mr. HATCH.** I thank the Chair.

I would just like to say a few things about this, and I hope my colleagues are listening.

Mr. President, the choices we make shape our destiny. Education is certainly one of those choices, and one that should not be available just to the wealthy. Today, I have offered an amendment that will enable low-income parents to make educational choices regarding their children.

I recently read an article in the New York Times about parents who actually lie about where they live in order to get their children into better schools. A particularly touching story was the account of a young second grader who panicked when his teacher started to put the boy's listed return address on his letter to Santa Claus. The small boy burst into tears, explaining that he wanted Santa to come to his "real house."

The article, not surprisingly, confirms that some parents are more than tacitly interested in obtaining a better education for their children than is currently being provided at their own troubled city schools.

Mr. President, I do not condone this type of deception, but it demonstrates the lengths to which some parents will go to get their children out of a bad school situation. If we in policymaking positions will not provide these parents with educational options, they may create their own by breaking the law. It is time for us to provide these alternatives, therefore, this amendment. It is time for us to realize that low income is not synonymous with low talent or low ambition. It is time we wake up and realize that economically disadvantaged citizens want to make their own choices; they do not need us to tell them what is good for them or their children.

#### WHAT DOES THIS AMENDMENT DO?

This country values freedom of choice and equal opportunity. The intent of an educational choice program is to provide parents with more options. Choice programs themselves can vary in many ways, and I would ask my colleagues to reserve judgment on my amendment until they understand exactly what it does and does not do.

The picture that has been painted by many is that choice programs are mandated, no other guidelines or regulations apply, and that segregation, discrimination, and educational chaos will result. But, Mr. President, let me ask my colleagues if they believe it is unreasonable to look at a choice proposal that includes private schools if it could be drafted so that:

Government dollars were targeted to low-income families who typically have no alternatives in our current system?

Provisions were within constitutional parameters?

Desegregation plans were observed and integration may actually improve?

Parents were guaranteed pertinent and relevant information?

The cost of sending students to participating private schools would be equivalent to or less than the cost of public schools?

Reasonable transportation costs were covered?

More parents could be involved in the education of their children?

All schools in a neighborhood could improve?

Answers to the many questions that are being raised about choice programs can be found?

Participation by both school systems and by parents in the program was strictly voluntary?

I believe, Mr. President, that a choice proposal that incorporates these elements is not only reasonable but is also a major step forward in educational reform. My amendment includes all of these elements, every one of them.

Mr. President, as everyone knows, President Bush originally proposed more expansive legislation for school choice. The President believes strongly that the increase in parental involvement and the concomitant increase in school accountability will bring very positive results. But, the President has worked very closely with us on the Labor and Human Resources Committee to fashion a proposal that more explicitly addresses the concerns we have all heard expressed here in the Senate when the matter of school choice comes up. The President has endorsed this choice amendment, which clearly meets these concerns, and he has a desire to start changing this educational system.

President Bush has joined us in this amendment not because it is his idea of a perfect choice proposal, but because it represents a significant change from business as usual. I agree with President Bush: We have to try some new things in educational policy. The old fixes have not worked as well as we would have liked.

My amendment authorizes funds for six demonstration projects that would increase alternatives for low-income families through school choice, public and private. My amendment targets students from low-income families. Families will be given certificates to cover the cost of the education of their children at participating schools, public or private. Parents will be provided with pertinent information to aid in their decisionmaking about which school will be best for their children. The value of the certificates cannot exceed the cost of the per pupil expenditure of the district in which the student resides. Parents will also receive stipends to cover reasonable transportation costs.

I believe my amendment answers many of the concerns initially raised by those who have opposed school



choice. First, my amendment targets low-income families—those who do not have the luxury of educational choice in this country. This amendment will provide the disadvantaged with some alternatives. Priority will be given to schools that provide the most opportunity for the greatest number of disadvantaged students.

Second, the bill has been carefully drafted to satisfy constitutional requirements. Aid will be given to parents who will then decide where their children will be enrolled. Parents will not be forced to send their children to private or to public schools; the decision will rest solely with them. The Government clearly remains neutral toward religion under this amendment, as it should be.

Additionally, under my amendment, choice plans must be written so that they will not interfere with any desegregation plans that are in place. Let me repeat that: Choice programs must not interfere with any desegregation plans that are in place. And, let me also point out that since segregation is largely based on housing patterns that coincide with district divisions, choice can go a long way in eliminating these barriers voluntarily. A well-drafted choice program may help achieve integration more quickly than any forced busing policy could. Many magnet schools already established have demonstrated success in achieving integration using an open enrollment.

One of the most important components of my amendment is the evaluation provision. My amendment charges the Secretary of Education to conduct a rigorous study of the demonstrations.

There are only six of them in this whole country. We are not blanketing the country with demonstrations. The bill provides for six relevant demonstrations to really find out all we can, about the effects of choice. The Secretary has to conduct a rigorous study of each of the demonstrations.

This study will provide us with much needed answers to many questions that have been raised about the longterm across-the-board implications of educational choice.

#### WHY SHOULD WE INCLUDE PRIVATE SCHOOLS?

Witnesses in congressional hearings on choice agreed that the role of the Federal Government in the area of school choice is in determining what works and in making this information available to communities and school districts who may wish to implement such a program. It is well within the purview of the Federal Government's responsibility to provide some information and assistance to those school districts.

However, we do not have data about the effects of school choice on students, schools, and communities. Excluding private schools as part of a choice demonstration program would be a serious error of omission. The

value of a Federal study that does not include all the viable components of an educational system would have to be questionable. Moreover, a choice program that arbitrarily eliminates a major alternative for parental selection is not really a choice program at all. Allowing parents to choose only public schools, as good as some of them are, is like having only one political party on the ballot. An evaluation of election results when a candidate runs unopposed yields little in the way of voter preference or satisfaction. It is hardly an electoral mandate.

Mr. President, a choice system already exists in this country, but only for those who have the means to move to another school district or to attend a private school. It is time to provide more choices in education. Why? First, education is a key factor in lifting individuals from poverty, and low-income parents know that. They want their children to have the best possible education; and second, precollege education is compulsory in every State in this country. The very foundation of our public schools is to provide an education for every child. But, the choice of only public schools to fulfill the requirement for school attendance is like consigning low-income people to buy from only one store. Finally, I believe that including private schools in a choice system may well result in better schools in both the public and private sector. Our goal in offering this amendment is not to hurt public schools. My personal vision of a choice system is one in which every school within a district or area of choice is a viable educational alternative. If every school in a district provides students a solid education, the choice becomes one of choosing a school that fits individual needs and preferences and not one of escaping a bad situation.

The unfortunate reality is that, in some areas of this country, there are some schools that are in a dismal state. This is confirmed by the desperate measures of parents like the families cited in the New York Times story. Let us give low-income parents at least one additional weapon to use for school improvement. Let us give them the ability to walk out. Power is often in our feet: We walk out of bad restaurants, bad movies, or bad retail stores. When we are taken for granted by a for-profit enterprise, we take our business to the competition. It is time to enfranchise low-income parents in education.

Rhetoric has not improved our education system. Schools must be given the will and freedom to change. Making all schools more accountable to parents while allowing them to be more innovative may be the answer in many districts.

#### WHY DO WE NEED THIS AMENDMENT?

These six demonstration projects will provide alternatives to those who cur-

rently have none. It encourages greater parental involvement in their children's education; it allows us to look at new alternatives and study them; it may speed integration of schools; it will inspire schools, both public and private to review their own strengths and weaknesses. Such self-assessment and particularly the self-motivated changes that come from it are a solid subsidiary benefit of this choice proposal. No single school in America, no matter how successful, should sit through 1992 and not consider the needs of its students and the ongoing ability of the school to meet them. I believe choice may do more for helping the poor in this country than any other initiative we might consider under the circumstances.

Let me reiterate for my colleagues: There are no mandates on schools to participate; desegregation plans will not be negated; it is constitutional; and this is an opportunity to answer some key questions about the overall effects of choice. The fact is public and private school choice is an idea whose time has come. We in Congress should not stonewall it any longer.

I urge my colleagues to support this demonstration project so that we can get answers regarding the value of public and private school choice as a feasible and practical reform effort.

Mr. President, this is a serious amendment. It is not as comprehensive as the President would like, but it is an amendment that the President would like to support. It is only six demonstrations. It gives us a chance to look at choice from all aspects. The Secretary has to make a study and evaluate the results. He has to report to us. Then we will find out once and for all whether this idea is an idea that is as good and important as I am articulating tonight.

There is only one way to know. That is to open our minds and allow choice to occur. I hope my colleagues will consider doing that here this evening. I think it is the right thing to do.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kansas is recognized.

Who yields time to the Senator?

Mrs. KASSEBAUM. I ask the Senator from Utah for 5 minutes.

Mr. HATCH. I yield 5 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I would like to speak for just a few minutes in support of the amendment offered by the Senator from Utah.

As a former school board member and someone who is deeply committed to public education, I have always held serious reservations about school choice from the Federal standpoint. I think if

a school district wants to try choice in schools, or if a State, such as the State of Minnesota, wishes to adopt such a program, that is fine. That is where the decision should lie.

At the same time, I am supporting this amendment. It is not a large amendment, as Senator HATCH pointed out. There are just six demonstration projects, with a total authorization of \$30 million.

The reason I believe the Hatch amendment is useful stems from the fact that many today feel a great sense of frustration with the school system. The Hatch amendment offers us an opportunity to analyze, in a thoughtful way, the weaknesses and strengths of a choice program.

In many respects, individuals with the means to do so already exercise choice—not only by paying tuition to private schools but also by choosing a home in a neighborhood on the basis of the quality of the public schools.

I do not think there is anything more important that we can do for elementary education than to make sure that each one of our neighborhood elementary schools are the very best schools that can be offered. But until that is so, we have to look at other means of analyzing the situation, other opportunities that might exist, and other initiatives that might be undertaken.

Although I do not believe a wide-scale school choice program is appropriate and would not support one, I fail to see the harm in putting together a well-designed choice demonstration program which would allow us to see its effects. I think that is the Hatch amendment. I think the Senator from Utah has presented a demonstration proposal that is small in scope, certainly, and well designed.

Such a demonstration program would help provide some definitive answers to the many questions that have been raised. Without testing the concept, we will never get beyond an endless series of arguments about the presumed benefits or liabilities of choice.

Among the issues this demonstration program could help clarify are questions such as:

If given the financial means to do so, will low-income parents choose to send their children to other public or private schools or will they prefer that their children remain in their neighborhood public schools?

Will the fear of losing students cause public schools to become more responsive to the concerns of parents and to make needed improvements or will such improvements become virtually impossible as more talented students leave those with the greatest problems and needs behind?

Will private schools participate in choice programs or will they opt out—fearing they will have to assume more of the requirements under which public schools operate?

At this point, Mr. President, we have anecdotal evidence about the effects of choice, based on the various plans that have been implemented by some States and localities. To reach sound public policy judgments on the question, we need more than that.

I believe that the Hatch amendment offers us the means to put some of these questions to rest. I urge its adoption. I am urging that, Mr. President, from the standpoint of someone who has serious reservations about Federal financial involvement in the implementation of school choice programs. But I think there are important questions that have been raised that need to be answered in the minds of all of us. For that reason, I believe this amendment offers us an opportunity that should not be rejected.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield 5 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair. Mr. President, I am pleased to rise this evening to support the amendment proposed by the Senator from Utah which would establish a low-income choice demonstration project.

Mr. President, this is obviously a controversial issue. But as I look at our system of education around this country, it seems to me that it is hard to disagree with the notion that it is failing a large number of our children, and particularly those who are low income and minority. That is why I think we cannot be defensive about what exists but have to reach out and open the doors to take a look at all alternatives to what happens now, some of which are working.

As I look particularly at the religiously based school systems of our country, they are working and they are working most especially for poor and minority children.

I think we have to ask ourselves why should not low-income students, who are the only ones given a choice by this amendment, have the same right as wealthier students to choose the school they attend? Why do wealthier students get to speak with their feet when a public school is not meeting their needs, but low-income students have no choice but to remain in a school that is not meeting their needs?

Mr. President, under this proposal we are going to allow low-income kids to have some of the same choices. They will take with them at most the amount of money allocated per pupil by their public school system and maybe they will leave behind an increased incentive for some of the public schools to look at some of the things that make these private and parochial schools more successful in edu-

cating some of our low-income students.

A demonstration project that would provide low-income students, those who qualify for free or reduced-priced school lunches, the opportunity to attend a public or private school of their choice seems to me to be eminently worth trying. This low-income choice demonstration project will not only provide these students with the ability to choose, but it will also provide them and us with some important insight as to the ways in which nonpublic schools can help low-income students improve their educational performances.

Mr. President, I certainly do not believe that we should abandon our public school system, and the overwhelming majority of focus and funds in this bill, S. 2, concentrates on improving the public schools of America. But we also have to view this choice demonstration project as a tool for all of us, including the public schools, to learn more about what works for our kids.

A while back there was a study done by the Rand Corporation, and its results are revealing. It shows that the performance of a comparable group of black and Hispanic children at Catholic parochial schools was much better than a similar group at the public schools and that the gap of performance between minority children and all other children dropped significantly in the parochial school system.

That study also asked why those parochial schools were more successful at educating low-income and minority kids, and they came up with the conclusion that some of the things that differentiate the two school systems are the teachers in the parochial schools are able to provide students with more personal attention; they have a more rigorous academic curriculum, even for the poor performers. They are independent from a central bureaucracy.

I personally suspect that it has something to do with the sense of mission in some of the parochial schools, the sense of purpose, and the sense of values that energizes the teachers, and that is conveyed to the students.

Mr. President, there was a time when these kinds of programs were criticized as unconstitutional. We may hear that in this debate. I just want to say there have been a line of court decisions which, in my opinion, undercut any claim that this amendment would be unconstitutional. I cite particularly *Mueller v. Allen*, a 1983 decision in which the Supreme Court upheld a Minnesota law conferring tax benefits on parents who incur expenses for their children's elementary and secondary education at private schools, including religious-based schools.

The basis of this decision is that it is the parents, without any governmental influence, who choose where to spend



that subsidy. I suggest to my colleagues in the Senate that there is not a relevant distinction between the aid found constitutional in the *Allen* case and that contained in the choice amendment offered by our colleague from Utah.

Mr. President, this is a good idea worth trying. It is a constitutional idea. It is an idea that is practical and it is an idea that will offer not only hope to a whole new group of low-income kids in our country, but I think some lessons to the public schools and those of us who care about them.

I urge adoption of the amendment, and I thank the Chair.

Mr. KENNEDY. Mr. President, I yield to the chairman of the Education Committee, the Senator from Rhode Island, 4 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I thank the Senator from Massachusetts very much.

Mr. President, as we all know, the Federal Government is not the major player in education. That is a role left to the State and local government. The Federal role is a highly targeted one, providing assistance primarily in areas of clearly defined needs. In that regard, I believe that our emphasis should be upon those schools that serve the vast number of students in our Nation, namely, the public schools.

Basically, I am of the mind that the way to achieve educational excellence nationwide is to have the schools that are open to all students second to none in the world.

The investment we place in education will unquestionably determine our future strength as a nation. Our public schools, though, as we all know, are in trouble; they need our help. Teachers are overburdened with large classes and need opportunities for upgrading their skills.

Our public schools often lack adequate science labs, computers, and other high technology tools of instruction.

Students need updated textbooks and a safe learning environment.

Our scarce Federal resources should be directed to meeting those needs, which are particularly acute in our public schools. We must make those schools truly the best in the world.

Unfortunately, public and private schools do not compete on an even playing field. Public schools must accept all students. Private schools may turn down or expel students with behavior problems, disabilities, or academic problems. The demonstration program proposed by the Senator from Utah will not change that situation, and will not, therefore, be a true test of choice.

Private schools we all know, make valuable contributions to American education. They give a quality of excel-

lence that is truly needed and useful to our Nation. There is no doubt about that. We provide limited assistance in private school instruction, but we seek to do that in ways that do not harm the public schools. The public schools should be our first concern, and to make them schools of excellence must be our first responsibility.

I urge my colleagues to join me in opposing the Hatch amendment.

I thank the Chair.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized.

Mr. METZENBAUM. Mr. President, I rise in strong opposition to this amendment, which would provide vouchers for students to attend private schools. Let us not kid ourselves about what this amendment is. This is the nose-under-the-tent amendment. Once we pass this, the door is open to go further and further in funding private and parochial schools and at the same time undermining the public school system.

I fear that this is the first step toward the abandonment of our system of free, universal public education. And our public schools are facing enough problems as it is. We do not need to compound their problems. To say, well, it is just a little bit, it is not going to hurt that much, is to deny the reality of the situation. Once we go down this road toward funding private and parochial schools then the amount of money will increase and increase over the years.

Programs that subsidize private and religious schools are bad public policy. They undermine our public schools. They violate the concept of separation of church and state and weaken the Federal commitment to provide equal educational opportunities for all this Nation's children.

The use of public funds to support sectarian education constitutes an unwise violation of the principle of separation of church and state. And I predict that religious schools, which have rightly cherished their independence from Government control, would in the end regret this step. They would eventually find that Government funding inevitably leads to Government regulation and Government control.

But most important, Mr. President, this amendment will do nothing to help our Nation's public schools.

Choice is not the quick fix, the easy answer, which will somehow magically transform our public schools. In fact, by diverting attention and resources from our public schools just when help is most needed, choice is more likely to undermine public education than to strengthen it.

Mr. President, 12 years ago, I stood on this floor and supported an amend-

ment regarding funding for private schools. At that time, I spoke in favor of the idea of using public funds for private and parochial schools. I was wrong then, and I do not intend to compound that error now.

I am now convinced that the adoption of this amendment would do inestimable harm to the public schools of this country. Never before in our Nation's history has our public school system been so challenged. Public schools must educate our children to cope with an increasingly technological society. And if we are to remain competitive in the global economy, our schools must keep pace with the educational systems of other industrialized countries so that our graduates can meet the sophisticated needs of the workplace in the 21st century.

And, at the same time, we are asking our public schools to deal with some of the most difficult problems of our society—drugs, alcohol, violence, teenage pregnancy—and to provide education and support for increasing numbers of children who are disadvantaged due to poverty, neglect, or abuse.

Yet in school district after school district throughout the country, budget cutbacks have forced schools to reduce important support services to these at-risk students, to lay off teachers and increase class sizes, to eliminate sports and extracurricular activities, and to defer needed building repairs.

And throughout the country, needy children are waiting in line for effective Federal programs like Head Start and Chapter I—programs that are unable to serve all the eligible children due to lack of adequate funding.

In 1980, the Federal Government provided 10 percent of the total dollars spent on elementary and secondary education. Today, after a decade of attacks on education funding by the administration, the Federal Government provides only 6 percent of the funding.

At a time when we are asking our schools to do more and more with less and less, I do not understand how we can even contemplate sending scarce Federal funds to private and religious schools.

Supporters of choice argue that so-called competition will lead to school improvement—a kind of educational Darwinism, survival of the fittest. Yet by definition, competition results in winners and losers. And in this competition, the losers will be the public schools.

Why? Because private schools don't have to play by the same rules. Public schools are accountable to the local community, must abide by Federal, State, and local regulations, and must accept all students, regardless of race, sex, religion, disability, or level of motivation or academic achievement.

Private schools are able to select their student body based on virtually

any criteria they wish. Inevitably, under a Choice Program they will cream the best students—the most disciplined and the highest achieving, leaving public schools to meet the needs of the children with the greatest problems: The child who cannot concentrate because he or she is hungry; the child with behavior problems because he or she comes from a dysfunctional family or lives in a neighborhood where gunshots are an everyday occurrence; or the child with severe learning problems or physical disabilities.

What is going to happen to these children—these children who are the most difficult and expensive to educate? They will be left for the public schools to deal with, public schools which will now have greater problems and fewer resources, because limited Federal funds have been shifted to private schools.

Supporters of a Private School Choice Demonstration Program involving low-income families argue that it would increase educational opportunities for poor children, but this is simply not the case. Why? Because it would do nothing to improve the public schools which the vast majority of children attend.

If we are serious about education reform, we need to ensure that all American children have access to a high quality education, not just a select few.

The danger is, of course, that rather than providing disadvantaged children and their families with real choice and greater opportunities, in the long run so-called choice programs will actually contribute to the further segregation of our society along racial, economic, and religious lines.

And in fact, we have no compelling evidence that private schools actually do a better job of educating students than public schools do, despite their selective admissions policies and other advantages.

The results of math testing in the 1990 national assessment of educational progress provide a good illustration.

According to NAEP, 5 percent of 12th grade students in public schools tested at the highest level—showing the ability to do college level math, while only 4 percent of private school students achieved this level. It is true that private school children at other grade levels did somewhat better than public school students. However, Al Shanker has provided a compelling analysis that this advantage disappears when differences among students in both types of schools are taken into account.

Mr. President, our system of universal, free public education is a vital and integral part of our American way of life and has served us well throughout our history.

Public schools are the glue of our democracy. They bring us together in all

our diversity and teach us about each other and about our common heritage, history, and values.

I believe in our public schools.

Certainly, some of our schools are in trouble, particularly in our poorest urban and rural areas, and are not doing as well as they should by our children. But the solution is not to abandon them. The solution is to find constructive strategies to ensure that all our public schools can improve and excel, so that all our schools are schools of choice, and all our children have an equal opportunity for an excellent education.

That is the policy which the Neighborhood Schools Improvement Act embodies. This amendment represents a policy of abandonment. I urge my colleagues to oppose the amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, could I yield 4 minutes to the Senator from Wisconsin?

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. KOHL] has 4 minutes.

Mr. KOHL. I thank the Chair. I rise briefly to speak on the amendment before us, offered by our friend and colleague from Utah, Senator HATCH.

There has been a lot of talk this week about Milwaukee and School Choice. I have heard it referred to as anything from "highly successful" to "disastrous." In fact, it is neither. In the first year, 340 children signed up for the semester. During the course of the year, one school with 70 to 80 Choice students closed for reasons totally unrelated to the program. At the end of that school year, 260 students remained in the program. For 1991-92, 155 of those 260 are continuing in Choice, with an additional 350 students joining the program. So, in its second year, Milwaukee Choice enrollment is up, but not all of the slots are filled. We are looking forward to the results and learning something from this experiment. But that will take a while.

Milwaukee, through the leadership of State Representative Polly Williams, began this demonstration in response to a real sense of frustration on the part of some parents of children in the public school system. Those parents wanted a good education for their children. The schools need help. The teachers need help. The communities need help. We all know that. The problem in these parents' eyes is that there is not enough help coming soon enough to save their children. And they want the best for their children.

So do I. And I support the Milwaukee Choice Program. It is a creative, short-term response to a chronic problem. I think we will learn something from it that will help us solve longer term problems. In the meantime, we are of-

fering some intervention for these parents and their children.

However, none of those public funds in Milwaukee are going to religious schools. That is a fundamental difference between the Milwaukee School Choice plan, and the amendment before us. The school choice amendment before us, while limited, would allow public taxpayer funds to support religious schools. That is a significant step in a dangerous direction. It raises significant first amendment questions.

Because of my support for the Milwaukee program, and because I would like to see Milwaukee benefit from the Federal support included in the Hatch amendment, I spoke to the Secretary of Education in an effort to remove the language on religious schools.

For various reasons, that was not done.

Therefore, I must oppose the Hatch amendment on the grounds that it publicly funds religious schools. I think the Milwaukee Choice Program deserves a chance. And I hope that we can find an opportunity to support it. Unfortunately, this amendment does not afford us that opportunity.

I know that there are those who believe strongly that School Choice will lead to the erosion of support for the public school system. Were we somehow allowing all public school dollars to be used in this fashion, I might agree. But we are not.

And I must say, I have a bit more confidence in our public school system than that. My sense is that while the private schools may do a better job at some things for some students, I think the same is true of the public school system.

I'd like to see an experiment in which private schools would be required to comply with all of the statutes and regulations that our public schools do. I would like to see how well they would do if they had to provide services under Public Law 94-142, ESL, the Perkins Vocational Education Act and other Federal laws. I would like to see an experiment in which we could truly measure the value of an education in a diverse environment, compared to an education in a more uniform environment.

I believe that the result would be a renewed confidence in our public schools—for the incredible job that many of them do for the vast majority of students, under very difficult circumstances.

Throughout this debate of who best educates, we compare apples and oranges, Mr. President. It is time to reinvestigate our public schools, give them the resources they need to do the job. Experiments like School Choice can enable us to take what strengths we can from the private, nonsectarian schools and put them to work in the public schools.

If that means fewer students per teacher, then let's do it. If that means



a higher level of parental involvement, then let's do it. If that means giving the public schools the Federal support they need to comply with our regulations, then let us do it.

What we cannot do is to continue to allow the erosion of public and financial support of the public school system.

I thank the Chair.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 4 minutes.

THE HATCH AMENDMENT NO. 1476 TO S. 2, THE NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

Mr. CHAFEE. Mr. President, what do we seek to learn from this demonstration? Clearly, we are not trying to learn whether the Government should provide support for Federal schools, because the Federal Government already does that. Private schools and students in private schools benefit from programs, including chapter 1 and chapter 2. Private schools are eligible for Federal funding through the Drug-Free Schools Program, the Asbestos Detection Program, the Math and Science Education, and the School Lunch Program. Already they have received hundreds of millions of dollars under these programs in fiscal year 1991.

The problem is, that, first of all, we are taking \$90 million over the next 3 years from public schools and sending it to private schools. At the same time, all across the Nation public schools are being severely hit in this financial crisis that so many States and cities are facing. In my State, superintendents have been told to expect a total cut of 19 percent this year of State aid on top of the 11 percent that was taken last year.

Now it is suggested that private school choice will foster competition between private and public schools. But are we talking about a level playing field? We always like to talk about level playing fields around here. Is this a level playing field? Let us see what are the demands and requirements we have imposed on the public schools. The public schools must take any child at any time of the year. The public schools must create an environment in which every student has an equal opportunity to learn, regardless of the student's disadvantages. Private schools can refuse to accept the child with disabilities and can refuse to accept the child who poses disciplinary problems. They do not have to take a child whose native language is not English. In the Providence school system, students come from homes where over 82 different languages are spoken.

So Mr. President, I know what is going to be the result of this study. We do not even have to have the study. I will tell you what it will show. It will show that the public school children

sent to the private schools will do better than the average public school child. Why would it show that? Because the children selected from the public schools will be the high achievers, they will be the youngsters that come from homes where the native language is English. They will be children from motivated families. That is why they will apply in the first place, because their families are behind them 100 percent.

You will not find that the children selected will be those who represent the real challenges in our public school system because the private school will not take them. What will go on is a skimming process. The private schools will take the ones who will do well in the public schools anyway.

Mr. President, some private schools have reached out to the community and enrolled disadvantaged students, and these schools should be commended. But as I mentioned before, this amendment would send \$90 million in Federal funds to private schools over the next 3 years, and I think we should direct these resources to our Nation's public schools that so badly need them. I want to thank the managers.

Mr. KENNEDY. Mr. President, 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 4 minutes.

Mr. WELLSTONE. "We have a school in East St. Louis named for Dr. King," she says. "The school is full of sewer water and the doors are locked with chains. Every student in that school is black. It is like a terrible joke on history."

A 14-year-old girl from East St. Louis, and I quote from Jonathan Kozel's fine book, "Savage Inequalities: Children in America's Schools."

We just honored Dr. Martin Luther King's birthday on Monday. I feel like I have gotten to know the Senator from Utah pretty well, and I only have 4 minutes. I do not even know if I am going to say this well. I think he really cares about this student, and I think he makes his proposal for this reason I have no doubt about that.

But I think the problem is that there are so many of these students all over the country on such a wide-scale basis consigned to schools right now that they would not go to if they had a real choice. That is just a much bigger problem, first, in public education.

I guess my feeling is that until we do what we must do for children in education in our country, make sure that women expecting children have a diet rich in vitamins, minerals, and protein so their child will be able to have a chance, make sure the children have the support during their young years, fully fund Head Start, have smaller elementary school classes—we know that works—and provide real support to public schools so we do not have such a

huge disparity between what can be spent for schools in Anacostia versus what can be spent for schools in Bethesda. I really feel that this proposal, this amendment by the Senator from Utah, is not a step forward. I think it is a step backward for public education.

I would be interested in this proposal and this amendment, after we first have made this commitment to public education, but at this point in the time I think it is the wrong step to take. I say this regretfully.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Two minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. JEFFORDS. Mr. President, I rise in opposition to the amendment being offered by my colleague from Utah, Senator HATCH.

The amendment provides \$30 million for six State demonstration programs to allow low income students to attend private schools. Let me outline a few of the reasons why I believe this amendment should be defeated.

First, and foremost, the amendment creates a new \$30 million program to essentially help private schools while our financially strapped public schools continue to fight looming deficits. In the past decade this Nation has seen a declining share of funds committed to education. The percent of the Federal budget devoted to education today accounts for only 1.7 percent of total spending compared to 2.5 percent in 1980.

Along with the decline in Federal funds has come an increase in ineligible students. Over 4 million eligible, disadvantaged children are currently denied chapter 1 reading and math instruction. The Federal share for education our disability community is 9 percent compared to the 40 percent we promised our States and or children.

The tragic state of federal funding for education has led towns in my State of Vermont to increase already high property taxes to help fund federally mandated education programs. It has also meant that essential programs for our students are being cut and that essential transportation funds are being redirected to schools.

Public schools deserve as much Federal commitment as possible we cannot afford to do otherwise.

Second, the Hatch amendment assumes that private schools can do a better job than public schools. But, do in fact private schools better educate their students? The result from the recent National Assessment of Educational Progress [NAEP] math examinations demonstrate that the answer is no.

Specifically, the NAEP math test results indicate that seniors in both pri-

vate and public schools are testing at an abysmally low rate. There is only a six or seven point difference in average scores among seniors in public or private school education. Only 5 percent of public school seniors tested ready to do college-level math whereas only 4 percent of private school seniors tested college-level ready. Neither of these results should make us proud.

These past NAEP test results were not that different from the 1986 test results which led former Assistant Secretary of Education Chester E. Finn, Jr., to say to a group of independent school leaders, "the gravest threat you face is a reformed public-school system." Citing results from the 1986 NAEP assessments, Mr. Finn indicated that the gap in performance between public and private schools was slight.

The danger, Mr. Finn said, is "the probability that a vast, publicly financed enterprise is going to come to resemble your private enterprise in all respects save one: It will be free."

It is not only an incorrect assumption that private schools are better than public schools—it is also an expensive assumption.

Third, under this amendment private schools may still use the same entrance exam on "choice" recipients as they do for their other students. Currently, 71 percent of Catholic high schools require an entrance exam, as do 43 percent of other religious schools and 66 percent of independent schools.

Of concern to me are our disabled children. What choice are we giving them? If they, or their public school counterparts, do not pass the entrance exam they will not have the same opportunity as their more fortunate peers. What, too, will happen to the neighborhood schools after their "choice students have left?"

Finally, I have concerns regarding the possible violation of the first amendment's establishment clause. The Hatch amendment itself is artfully drafted to navigate constitutional questions. I am not certain, however, that it is wise public policy to funnel Federal funds to private organizations. Disparities already exist between educational resources in public versus private schools. Rather than exacerbate such differences, we should ameliorate them.

I cannot speak for my colleagues but in my mind the risk is not worth the cost. The risk of destroying our neighborhood schools. The risk of violating the separation between church and state and the risk of public funds following students to any private school including nonaccredited schools. Certainly, it is not a wise expenditure of already scarce education funds. I cannot go back to my statehouse, in good conscience, and justify support for this amendment.

Mr. President, it is with considerable regret that I find that I must oppose

this amendment. I wish that we had enough money to be able to help here. I know there are dangers of putting the nose under the tent sort of thing, but I oppose it primarily because we do not do enough for public education when you consider that Japan, for instance, spends 12 percent of gross national product on education, and we spend 6 percent in this Nation. Less than 1 percent of the GNP each year goes toward education.

We committed ourselves some time ago, and I was one of those that originated the bill, to help the disadvantaged, the disabled. We promised them 40 percent. We said we will take care of 40 percent of your expenses if you will do what needs to be done for the disabled in this Nation. We give them 9 percent. We are underfunded with respect to Chapter 1 of such an important program for economically disadvantaged. We do not spend anywhere near—we only cover about half of the cases that should be getting assistance in that regard.

I think it is important that we do the best we can for education but there is no indication that by this experimental program we are going to find out that the private schools are doing any better.

The evidence is that they are not. So what we are doing is spending money without the expectation really of learning that we are going to do things better, but really to help another part of the education system that I am certain needs help. We can do it. We do so little for public education right now. That is why I reluctantly must oppose this amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield 2 minutes to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 2 minutes.

Mr. COATS. Mr. President, I thank the Senator for yielding the time.

Mr. President, as a representative of the people of Indiana, I am proud to serve a State with a strong tradition of innovation and an unwavering commitment to education. It was Indiana, after all, that had the first public school teacher in the United States, paid for by a congressional appropriation asked for by George Washington in 1795—the first time public money was used for education in American history.

In Indiana, we recognized early that a solid education is critical to shaping the lives of our children, to giving them a solid foundation to lead our Nation in the challenges of the future. My home State was the first in the Nation to set the high standard of compulsory education for all our children.

Yet if we have been taught any lesson over the last few decades, it has

been that as critical as the State role is, the separation of parents from vital and daily involvement in the education process is a formula for disaster. It is in families that children learn those lessons that translate directly into educational excellence—self-discipline, diligence, responsibility. The values cultivated and reinforced around the dinner table are the values brought into the classroom. Every educational program, no matter how innovative or well-planned, is likely to fail without parents willing to take time to instruct their children in the tools of learning. Education is not something that takes place between school bells. It is something that takes place every hour of a child's waking day.

This was a lesson reinforced for me as Republican leader of the House Select Committee on Children, Youth and Families when we issued our report entitled "Cost-Effective Programs for Children." Whether it is Head Start or WIC, the common thread of success in these programs was parental involvement.

This experience, the opportunity to talk to parents and educators across my State, as well as my own experiences as a parent of three children—have gone into setting a firm set of personal priorities when it comes to education policy—priorities I know that many share. Parental involvement—parental choice—and an emphasis on the essentials of learning and character.

No government, no bureaucracy, no elected official cares more for the education and welfare of a child than his or her parent. And parents across this country are increasingly alarmed at the trends now all too familiar—declining test scores—high illiteracy and dropout rates—graduates ill prepared for the challenges of the work force.

We have an opportunity today to encourage fundamental educational reform. And I am convinced that there is compelling evidence that holding schools accountable to parents is a powerful incentive for reform.

For this reason, I am pleased to support Senator HATCH's amendment creating school choice demonstration programs, a program very similar to legislation I have offered. The amendment authorizes a low-income demonstration program to provide moderate and low-income families with the same opportunities that others enjoy—the opportunity to select a school for their children.

This amendment would not mandate that communities adopt choice in education programs; it simply would provide funding for several demonstration programs so that we can try new models and test what works.

A recent Gallup poll suggests that over 64 percent of all Americans and 72 percent of minorities support educational choice. A great deal of innova-



tion and reform is already underway at the State and local levels.

Mr. President, I have been listening to this debate with almost bewilderment because I do not doubt if we asked anybody in this room, all hundred Senators would say there is something fundamentally wrong with the U.S. education system. It is simply not achieving the results that any of us would desire. And when you find something that is this fundamentally wrong, we ought to look at innovative ways to bring about some constructive changes.

I could understand the opposition to the amendment of the Senator from Utah if we were proposing a sweeping change of the system without at least trying some of these options to see whether or not they work and to work out the bugs, and perhaps it will not work, and we will discard it. But the amendment that is before us simply provides six demonstration programs, only six—I do not know how many school systems there must be in this entire country, but only six of those will operate under a demonstration program to give us some input and some feedback to see whether or not there is a better way to provide education for our young people.

I do not know what people are afraid of. If it is as bad as everybody who opposes this amendment says, then obviously we will be back here in 2 years or 3 years saying look we tried it, it was a flop, it failed, this is all that is wrong with it, everything we predicted came true.

If it does show some promise or some innovation, then we would be back later debating as to whether we ought to change it beyond the six, how we can change it, how we can move it around.

Why do we not at least try to make the system a little bit better trying an innovative program? It is an innovative program. A number of us have sponsored this idea. A number of States are trying this. Let us give it a shot. What do we have to lose?

Mr. HATCH. I yield 2 minutes to the distinguished Senator from New Mexico.

Mr. DOMENICI. I wonder if I might have a minute yielded to me by the distinguished chairman?

Mr. KENNEDY. Yes.

Mr. DOMENICI. Mr. President, I intended to talk about Desmond Howard tonight—a young black man who just got the highest award that we can give to football—the Heisman Trophy winner. I expected to speak about him tonight and about this issue as it pertains to his life. I will not.

I merely say that if we were in one of the typical schools in the black slums of America he would not have been a trophy winner in football. I could bet he would not.

He went to a parochial school. He went to Catholic school because his

parents said he cannot get educated where we live. The truth of the matter is that the Senator from Connecticut said it right. This is an amendment that would help the poor black and minority students in this country and we tonight are going to say, "We won't help you."

I was almost going to say, as I heard my friend, Senator CHAFEE, that I give up. He made such a persuasive argument. It sounded as if the parochial and private schools did not take any young people who had problems.

I have great respect for Senator CHAFEE, but the next time he is in Albuquerque I will introduce him to my sister who has been a nun for 40 years, who runs a grade school with 600 students in it, and he can ask her if she has no delinquent children, no children with disability. She will tell him, no, she wishes this was such a school, and those parents of poor children decide to put them in these schools because they cannot get an education where they are.

Plain and simple: What are we afraid of? Why should we let the poor children of this country who are almost of necessity, for some reason or another, in the poorest public schools around, why should we not let them move to a better school either public—and might I say this amendment is not all for parochial—or private. They can move from public to public. They can walk, as has been suggested and walk right out of the bad school. What do we have to lose? Six trial areas in America, \$30 million. And somebody is saying it is affecting what we can give to public education when public education costs \$315 million a year. I cannot hardly figure the percent that \$30 million spread among six trial areas is of that total.

The PRESIDING OFFICER. The Chair informs the Senator the 3 minutes allocated has expired.

Mr. DOMENICI. I will yield the floor.

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. Five minutes and fifty seconds.

Mr. KENNEDY. I yield myself 4 minutes.

Mr. President, I certainly reject the idea that those of us who are opposed to the Hatch amendment do not recognize the value of private schools and parochial schools in our community. That is not the issue here.

The issue is you have 83,000 schools in this country educating 40 million Americans. The issue is that the Federal contribution to education over the last 10 years has been slashed 33 percent all over this country. We are dealing with nickels and dimes here. The price of the B-2 bomber, \$840 million.

What we have heard on the floor of the U.S. Senate for the last 3 days, is that we need new schools, new schools, new schools. And what we are hearing tonight is private schools, private schools, private schools.

What we are talking about is public schools. Those that are in the Newark, those that are in the Harlems, those that are in the Roxburys, and those that are all across this country providing decent education. We are not prepared to abandon them as some think this body might. We are not going to privatize every school district in this country as some would.

I was here in the U.S. Senate at the time of the Vietnam war when some said that the best way to handle the situation in Southeast Asia is to destroy Vietnam.

The issue that is on the floor of the U.S. Senate now is public taxpayers' money. Public taxpayers' money. Do we have a sufficient amount of public taxpayers' money to start utilizing it in private schools?

That is not the issue. It is public taxpayers' money. Are we going to use scarce resources to try and encourage the kind of efforts that are taking place not in every community but in enough communities in this country to give new hope to children and new hope to parents and new hope to teachers? That is what it is about. But Senator HATCH argues that it really does not make much difference because we are adding only \$30 million.

Title II of our Education Act, Chapter 2 is authorized at \$450 million, and 20 percent of that \$90 million is retained by the States. Any State, any State could use that money to develop a voucher system and if it met the various constitutional requirements could support it under the present system.

Why, Mr. President, are they not doing it? Why do you not ask the States why they are not doing it? Why are the Governors not doing it? Why are the legislators not doing it? Why are they asking the Members of the U.S. Senate tonight, with limited resources, to do it? Why?

You and I know the answer. All you have to do is look at the administration proposal last May. The administration wanted to take all of Chapter I, the most effective program we have in education, authorized at \$6 billion, and make it all vouchers.

When Secretary Alexander was asked the other day, why are you only asking for six, he said, "I would like to ask for all of them." That is what he said in his press conference. Why are we saying this is a little test run? We know there are efforts to make Chapter I a voucher program and there is no doubt about it.

Mr. President, it is a very simple issue. How are we going to use scarce resources? Are we going to have a Preparatory School Relief Act? That is what it is. The Senator has not told you that you are not going to qualify if you are from Andover, Exeter, St. Marks, or some other private school. They could be included in this if the Secretary of Education wanted that.

The PRESIDING OFFICER. The chair informs the Senator his time has expired.

Mr. KENNEDY. I yield myself the remaining time.

I ask that at this particular time, with these kinds of pressures that we have, with the efforts that have been made to try and work with the administration to take their ideas about new American schools, and the basic thrust of the legislation to give the State the responsibility to make the judgments in terms of creative and imaginative school reform that we give them a chance. We have seen new kinds of efforts, new seedlings of hope and opportunities for the schools in this country.

Let us not close the door on our public schools. Let us not abandon them. Let us try to improve them.

I hope the amendment of the Senator from Utah is rejected.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield the remainder of my time to myself.

Mr. President, what we have just heard, what we have just witnessed, is a terrific argument for business as usual. That is what we have heard. Let us just keep our schools the way they are. Let us just throw more money at the same problems that we have been unable to solve. Forget about choice. Forget about these low-income kids.

We are talking about kids, whose family income is at 185 percent of poverty or less. Give them a chance to break out of that inner-city ghetto, and go to a private school and, yes, a parochial school or another public school, if their own school is failing them. Then like Desmond Howard, they will have a chance.

They do not have to do it. It is their choice.

Business as usual. That is what we're hearing today. Why change this system, if it is doing so well for our kids all over this country? Mr. President, I, for one, believe there is room for improvement.

I want to thank the distinguished Senator from Connecticut. He said it pretty well right here today. It takes guts to stand up on his side of the aisle and stand up for the right of kids, with family incomes at 185 percent of poverty or less, to go to any school they want to.

And I can tell you right now that these inner city private schools do a lot better job of integration than some of the public schools.

We are talking about \$30 million out of a \$26 billion budget; 6 programs, to see if it works. We know it will work. Six programs in this country, and an evaluation thereafter to tell us why and how it works.

Mr. President, I want to tell you these are kids that qualify for school lunch. Yet you will not even give them a \$30 million chance out of \$26 billion budget.

Mr. President, if we do not do this, if we cannot even do this small demonstration, what chance would there be for a real school choice program, even if we prove it is the best thing for American schools? It breaks us out of this mold of inadequate schools and gives us a chance to have an innovative and creative concept for those who are the poorest of the poor.

The PRESIDING OFFICER. The Chair informs the Senator that the time has expired.

Mr. HATCH. I am happy to go to a vote at this time. I hope my colleagues will consider what we are doing here. I ask them to support this amendment.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is their a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BRADLEY. Mr. President, I rise in support of the low-income school choice demonstration amendment. Choice may not be the panacea for all our Nation's education ills, but we cannot afford not to take an honest look at whether more options would help kids who today are trapped in the worst schools in our poorest areas.

In considering this amendment, I thought about the schools and the families in the most desperate and impoverished areas of New Jersey, such as the cities of Paterson, Jersey City, and Camden. I asked people, are those school systems better or worse than they were 13 years ago, when I came to the U.S. Senate? Worse, I was told, and my own eyes confirm that sad fact. There are schools where crime, disorder, and drugs so dominate the daily lesson plan that there is hardly time to begin dealing with real learning.

For 13 years, while we have stood here debating what to do with the public schools, we have lost a generation. To save the next generation, we need to try anything that might work. We need to try anything that gives families that want their kids to learn and grow an immediate option, a way out. We need to be imaginative about using resources for education that are already there and can make an immediate difference. I strongly support everything in S. 2 that would spur systemic reform in our public schools. I support full funding for every public program that works for kids, Head Start and Chapter 1. I have my own proposals for using Federal dollars as a more powerful lever for change in public schools. But real change may take time. Kids do not have time. If there is something out there that might work, we cannot wait to find out.

There is a resource in our cities that gives families a way to see that their kids get a basic, disciplined education in this sort of environment. I think of schools like St. Benedict's in Newark or St. Bartholomew in Camden. They

happen to be private; these two happen to be operated by Catholic dioceses. But they have been serving the public at modest cost. Most of the students are non-Catholic; most are black or Hispanic.

That option is rapidly disappearing for many families. More than 25 urban Catholic schools closed their doors in New Jersey, not because they did not want to educate poor kids, but because they could no longer afford to. Across the Nation, there are 300 fewer urban parochial schools than there were 10 years ago. Enrollment in the 10 largest cities declined by 200,000 kids in the last 10 years; in Newark, 20,000 fewer students are served, largely because the schools are in trouble.

When a school that works shuts its doors, especially in an area where most schools do not work, it is a tragedy whether that school is public or private. An opportunity is lost to thousands of families and their kids. Nothing we do here with \$850 million can make up for the loss of hundreds of schools that work. If there is a way to keep good schools that serve the broadest public purposes alive, we should try it. If there is a way to encourage new schools to emerge to serve public purposes, we should try it. This amendment will help us find out if we can open schools to students who deserve better options.

If this amendment were much different than it is, I would not be able to support it. I am very pleased that the demonstration program will be appropriately targeted to the families that most need help—those eligible for subsidized school lunches—in the most troubled areas. I am pleased that the certificates will pay for the full cost of attendance at any participating school, so that they will create realistic options. I am pleased that the certificates will cover transportation costs, again making the option more realistic than in other voucher proposals. I am pleased that the funding will be new money and will not cut into our other investments in education. And I am pleased that my colleague from Utah accepted my request to incorporate language in the amendment that will absolutely guarantee that none of the funds provided through this program go to schools that discriminate on the basis of race.

I view this amendment as a real demonstration: It might work, it might not. Advocates of choice have put a lot on the line with this proposal. If it does not work, we will know it, and we will never again hear choice described as the sure cure for American education. If it does work, we will learn more about how to improve all schools. We will learn whether empowering parents with good choices gets them constructively involved with their kids' educations. We will learn whether schools that now succeed at educating students



whose families can pay for their education can remain successful serving more students from poorer backgrounds and with troubled home lives. Above all, we will find out whether a school choice demonstration project improves results across the board, for all students in all the public and private schools participating.

I do not know whether these choice demonstrations will improve results, whether students will do better at math and science, come out better prepared for college or the work force. I do know that at a time of crisis, we have to take risks. We have to find out what might work, before we lose another generation. I support the amendment.

Mr. THURMOND. Mr. President, I rise today in support of the amendment offered by the distinguished Senator from Utah, Senator HATCH.

As has previously been mentioned, this amendment would authorize \$30 million to create up to six school choice demonstration projects nationwide. It would enable moderate- and low-income parents to select the schools—public or private—to which they wish to send their children. Under the amendment, grants would be awarded to pay the costs of providing education certificates to low-income parents to pay the tuition and fees for the school that is chosen by the parents. In addition, the certificate may also cover the reasonable costs of transportation.

Mr. President, according to recent polls, a majority of Americans support the concept of choice in schools. A May 1991 Gallup poll found that 51 percent of Americans 18 years and older support a "program which would allow parents to send their children to the public, parochial, or private school of their choice and use State and local tax dollars to pay for all or part of it." This represented an increase of 7 percent from a similar poll conducted in 1987. The Wall Street Journal and NBC News also conducted a poll on this matter last year. In that poll, 56 percent of registered voters favored giving parents tax credits or vouchers for tuition at the public or private school of their choice.

In closing, the Hatch amendment puts decisionmaking in the hands of parents—where it should be. This amendment is narrowly tailored and would provide this country with a clear measure of the workability of school choice programs.

Accordingly, I am pleased to offer my strong support.

Ms. MIKULSKI. Mr. President, our school system is in big trouble. And I could not agree more with the basic premise of this bill—that the best solutions to the problems schools are facing come from the local level, not the Federal Government.

That is why I support S. 2. It encourages innovative flexible ideas to im-

prove our educational system. And it creates expectations that schools must be willing to meet in educating our children. It holds schools accountable for reaching goals that will keep this country competitive in today's world. And it provides more support for programs we know are working, like Head Start and Chapter 1.

My own State of Maryland has an innovative education reform plan called Schools for Success. The support that Maryland will get from S. 2 will allow them to implement this plan, aimed at comprehensive school improvement and reform.

If S. 2 is fully funded, Maryland will receive \$13.8 million. This will allow the State to set up more regional staff development centers, award challenge grants to schools to develop annual improvement plans, and strengthen the Maryland School Performance Program. My State needs this help.

Mr. President, I know that there has been a lot of discussion about the role of parochial schools in this bill. I am pleased that there are a number of ways in which private schools and the Federal Government have formed a partnership to improve the services they provide. These are programs where the church-State relationship has been established by court decision and by policy.

Parochial school students can get help through some of the best education programs in this country—the ones we know work. These include Head Start, Chapter 1, Chapter 2, Follow-Through, Math and Science Education, and a number of others, including the School Lunch Program.

We also provide help for parochial schools to clean up their asbestos problems so the air their students breathe at school will be safe. I am proud to say that as chair of the Appropriations Subcommittee that funds EPA, I have provided \$160 million for this program in the last 3 years, though the President always cuts this program out of his budget proposal. Many Catholic and other nonpublic schools have been helped by this program.

Mr. President, I would like to say a few words about religious day schools, and the absolutely crucial role they play in our educational system, particularly our inner city neighborhoods.

Mr. President, I am a very proud product of Catholic schools. From elementary school to college I went to Catholic schools. And so I will speak from the heart.

I would not have traded my experience for anything. Everything I am today, I owe in some measure to the Catholic schools I attended and the sisters who taught me.

These sisters were terrific role models. They encouraged me to take chances, to think, to analyze, and to form my own opinions. I learned to speak up and to speak out, and I built

confidence in myself as a person and as a leader.

And the values I learned in these schools have stayed with me all my life.

What are the secrets to the success of these schools? They treated all students the same. They assumed all students could learn. They expected all students, rich or poor, to try their best, to work their hardest, and to succeed.

Mr. President, I know this is true of many religious day schools. I have talked about Catholic schools specifically because that is my own experience, but I know of many fine religious day schools in my own State that create the same excellent environment that my schools did for me.

I would like to enter into the RECORD at the conclusion of my remarks a fine article from the Evening Sun in Baltimore. Although this article mainly addresses what Catholic schools offer to disadvantaged students, I believe it captures the best of what Catholic schools have to offer all their students.

As much as I support the tremendous contribution that religious day schools have made to our educational system, I am greatly concerned about the increasing public disinvestment in our public schools. For this reason, Mr. President, I cannot support any amendment that will take money away from our public schools.

In closing, Mr. President, I am pleased to support the bill we are considering today, and I commend the Senator from Massachusetts for all his hard work. I hope we can pass this bill soon, and add some fuel to the fire we must light under the educational system in this country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Sun, Oct. 17, 1991]

THE ASCENDANCY OF BLACK CATHOLICS

(By Seymour P. Lachman and Barry A. Kosmin)

Clarence Thomas says the nuns who taught in his parochial school in Savannah, Ga., gave him advantages that many of his white and black peers did not have—a sense of self-respect, discipline and learning that gave him a chance of success denied to many others.

Thomas' rise to the Supreme Court illustrates the remarkable educational achievements of the 2.4 million black Catholics, a minority within a minority.

The City University of New York's national survey of religious identification substantiates this phenomenon.

These achievements—graduating from high school and college—are greater than those of other blacks, equal to those of other Catholics and higher than the overall American average regardless of race.

The 1990 survey, in which 113,000 Americans were interviewed, shows black Catholics are more likely than all Americans to complete high school and college.

Among the respondents, only 18 percent of black Catholics dropped out of high school compared with 31 percent for the total black population and 21 percent for the overall white population.

Nine percent of black Americans are Catholic. The majority of blacks identify with Baptist churches and other Protestant denominations.

Two percent are Moslem and 6 percent say they have no religious affiliation.

Scholarly literature and the survey's data show that in the last 50 years the graduation rate from high school and college of white Catholics has surpassed that of all whites.

The survey showed that the graduation rate of black Catholics now parallels that of white Catholics.

Our data show that black Catholics are 40 percent more likely to graduate from college than other black Americans.

In the 40-to-59-year-old age group 26 percent of black Catholics, 25 percent of white Catholics, 24 percent of all whites and 15 percent of all blacks are college graduates.

Variations in employment and income appears to reflect these educational differences.

Black Catholics are more likely to be employed full time than blacks as a whole (66 percent to 55 percent).

And black Catholics have 50 percent more households earnings more than \$50,000 a year than the rest of the black population.

Black Catholics' annual median income is \$21,800 and white Catholics' median income is \$29,100, so parallel education achievements are not yet reflected in comparable income.

What accounts for this extraordinary difference in the black community?

Thomas recalls that the nuns in his "strict" school were "adamant that I make something of myself." His experience is not unique.

Regardless of their religion, many families who want to overcome the problems of poverty and to integrate themselves into mainstream America enroll their children in Catholic schools.

Thus, about 70 percent of the students enrolled in Harlem's parochial schools are Protestant.

In 1980 and 1981, researchers at the National Opinion Research Center at the University of Chicago found that Catholic-school students from disadvantaged backgrounds, including minorities and parents with limited education, fared better than public-school students of similar background.

One reason why Catholic schools often enable their students to overcome class and racial handicaps is that they expect and reward academic diligence and personal development. Many people believe that the traditional values they teach help in the struggle against many social ills affecting inner-city youth.

Catholic schools do something not usually found in most public and private schools. They teach the rich, the middle class and the poor the same way with the same curriculum and thus provide a framework for uniform accomplishment.

Not all students succeed in Catholic schools, but the successes are numerous and noteworthy.

The big question is, what can the public schools, which enroll most American blacks, including the desperately poor, learn from all this?

(Seymour P. Lachman is university dean of the City University of New York. Barry A. Kosmin directs the CUNY graduate school's national survey of religious identification.)

• **Mr. GORTON.** Mr. President, one of the most radical provisions of America 2000, the President's education reform bill, is the concept of school choice.

This idea is not radical at all, but fundamental to achieving the accountability and competition necessary to improve American education. It is feared only by those who have something to lose: Prehistoric bureaucracies and professional special interests stifled by years of dependence on taxpayer dollars. It is desired by those with everything to gain: Innovative schools, teachers, parents, and communities who want the best for today's students.

The same special interests who opposed intradistrict public school choice in my State of Washington 2 years ago, now vigorously oppose this small demonstration program. The same charges of school closures, discrimination, and elitism were heard then as they are today. However, in Washington State, intradistrict choice has been a success. It was a move in the right direction. This demonstration program goes farther by allowing private school vouchers as well.

The Hatch amendment allows middle- and low-income families the same choices that wealthy families have. The amendment would provide a 3-year demonstration of programs to provide financial assistance to low-income parents so they can choose a public or private school for their children.

This amendment calls for a demonstration project at up to six sites, at \$30 million per year. Grantees shall place a priority for the demonstration on the 20 percent of school districts in their State with the highest number of children from low-income families. Children participating in the demonstration would continue their eligibility for chapter 1 services.

The Hatch amendment would put the decision of where funds go in the hands of parents, not churches or State authority. They would be constitutionally neutral as to religious-affiliated schools, neither favoring them, nor discriminating against them.

Mr. President, the next time we hear from the Democrats that the GOP is the party of the rich, and I am sure we will this election year, let us remember who is opposing this amendment to empower low-income families. Let us remember that it is a Republican President who is advocating this progressive concept to improve the opportunities for poorer Americans. Let's remember that it is the Democrats, and their special interests, who want to maintain the status quo. Let us remember who wants business as usual as our children are at risk. The Democrats so-called education reform is just another reminder to the American taxpayer that the Democrats do not trust them to make their own decisions.

This amendment is critical to the ultimate success of America 2000. I urge my colleagues to support the Hatch School Choice Demonstration Project Amendment.

#### NO PUBLIC FUNDS FOR NONPUBLIC SCHOOLS

**Mr. HOLLINGS.** Mr. President, 30 years ago I was an education Governor and now I am an education Senator. Today I am deeply concerned that the administration and some of our colleagues will offer amendments to begin to spend public money to fund the operation of nonpublic schools. The people want school improvement—there is a deep concern and worry out there; it does not take a poll to tell us that. But I just cannot believe they want to use funds for the public school system, which has given so many of us opportunities in life, and begin to spread them out in an open-ended funding responsibility to private and religious schools as well.

Mr. President, the worry over education out in the land does have to do with choice. I think people are worried about the choices their public representatives have been making. We have chosen for 10 years not to provide for the public, but instead to provide for the purveyors of junk bonds and wearers of golden parachutes. Federal funds for elementary and secondary schools children have declined 15 percent, when adjusted for inflation. Head Start is funded for only 32 percent of the eligible children. These are the choices we have made.

Now there is a proposal to offer a phoney choice to America's parents: If your public school is inadequate, or your child is one of the 68 percent who needed Head Start, but didn't get it, you may give that child a voucher to compete with all others in the marketplace. If a school refuses to take your child's voucher because he or she doesn't fit their profile, then maybe you did not exercise your choice vigorously enough. If your child has a learning disability—in the year after we passed the Americans With Disabilities Act—and the school will not take your voucher, then just exercise your choice to hunt for someone who will take him or her in. It is not our fault—it is your choice. Thus the choice is artfully shifted from the representatives elected to work for the public good to the parents trying to make ends meet.

Mr. President, I am not making idle talk on this subject; public and private schools have quite a different mission and mode of operation. A 1985 survey found that 12 percent of Catholic high schools always require a recommendation from the student's pastor to be admitted. Seventy-one percent require an entrance test. Eighty percent require successful completion of the previous year of school. Mr. President, what public school requires a recommendation from a pastor? What will we do with the children held back 1 year? It is neither the public duty nor the public's interest turn them away and give up.

Mr. President, we have a duty to the public to provide good public schools.



Likewise, we have a duty to the private schools, and that is to leave them alone. But in this debate, the administration and our colleagues are arguing that we have a duty to fund private schools. Wrong. Government has one duty, and that duty is the public schools. That is where Federal dollars should go. I sit on the Appropriations Committee, and I can assure now also begin funding the private schools.

In case anyone has not noticed, the States, which have the responsibility for providing public education, also are in desperate budgetary straits. As of December 19, 1991, here was the situation in several of our States:

Alaska projects a \$326 million deficit.  
Arkansas cut spending \$25 million to meet a shortfall.

California reports the largest deficit ever: \$1.34 billion—and this after huge cuts and tax increases.

Colorado reports a \$180 million shortfall.  
Connecticut reports a "specter of chaos."  
Delaware is seeking \$40 million in cuts.  
Florida reports a \$622 million shortfall.  
Georgia projects a \$100 million shortfall.  
Illinois reports a \$520 million "budget bombshell" shortfall.

Kentucky Governor Wilkinson already cut \$155 million.

Louisiana's new Governor Edwin Edwards faces a \$962 million deficit.

Maryland reports an \$800 million deficit.  
Minnesota must dip into its reserve because of a \$291 million deficit.

Nebraska reports a "property tax crisis."  
Nevada faces a \$50 million shortfall.  
New Jersey reported a \$700 million deficit and possible tax repeal.

New York: is expecting \$3.6 billion deficit next year.

North Carolina reports a \$1.25 billion two-year deficit.

Ohio reports a \$440 million shortfall.  
Oregon reports a \$1 billion shortfall by 1993.

Rhode Island faces a \$51 million shortfall now and a \$203 million shortfall next year.

Washington Governor Gardner proposed raising taxes \$40 million and cutting spending \$560 million.

Wyoming Governor Sullivan recommended \$34 million in new taxes and \$9 million in education cuts.

Mr. President, these snapshots of overall State budgets do not tell the whole story. Within each State, there are pockets of distress that would break your heart. Twenty years ago I toured the low country of South Carolina and found houses without plumbing and families without food. I wrote a book called *The Case Against Hunger*. Today Jonathan Kozol has gone into the destitute public schools of this country and come out with a book, *Savage Inequalities*. It tells a similar tale about the great resources of this country and how we have placed terrible limits on America's future by failing to provide the most basic necessities—especially in the field of education. The contrasts Kozol draws between public schools in wealthy districts and in poor districts show clearly what can be done and what is lacking.

With respect to choice, Mr. Kozol says the following:

"... choice plans of the kind the White House has proposed threaten to compound the present fact of racial segregation with the added injury of caste discrimination, further isolating those who, like the kids at Hillard Homes [a public housing project in Chicago], have been forever, as it seems, consigned to places nobody would choose if he had any choice at all."

The fact is that this voucher amendment will add one more fight for the parents of the inner city, the rural areas, and the less wealthy neighborhoods. They will compete with the newly-subsidized private school parent for Federal funds. We will be asked to increase the voucher. We will be counting votes on the floor and making compromises in appropriations. We will know that the voucher parents have the full support of their private schools—active parents, with funds, asking for higher vouchers: Has anyone in this body ever heard a doctor ask for higher Medicare reimbursements?

This increasing pressure will then compete with scarce funds against programs for which we have never done justice. Now we serve 32 percent of eligible Head Start children. We serve 59 percent of eligible WIC children and pregnant women. School readiness is the President's No. 1 education goal, but we are asked to fund the private schools which may not even admit these children instead of proven school readiness programs that will give them the best chance in life. Our States are in desperate shape—like our Federal Government—and are making cuts in some cases, and now we are asked to add the new burden and solemn responsibility of private school funding.

Furthermore, we do not want the same religious lobby that is concerning some Senators here today to be on the doorstep of the Appropriations Committee every year asking for school funding in their own interest. Every year I hear from religious groups on behalf of the needy, the homeless, and that is fine. I trust their words and thank them for it. But today we hear that a private school voucher program will be held constitutional by the current Supreme Court. I would only point out that the lobbying of religious groups for their own funding today—when no funds are yet available—is a hushed whisper next to what will follow with millions of new taxpayer dollars available. We will find ourselves considering each Senator, and what the various religious populations are in his or her State as we struggle to allocate funds fairly. And it is exactly that kind of pressure, and the sectarian fighting among Americans of different religions for dollars, that the Constitution tries to prevent. We are told that someone has worked out a way to jump through the legal hoops that protect our first amendment and our public schools; let us not miss the constitutional forest

for a few legal trees. I say we must open our eyes to the clear and present danger we must guard against.

With my focus on the choices made in this body, someone will tell me that I just do not have faith in the poor parent to provide. But I know the hard-working parent and the child are quite capable. Innocence, intelligence, and ambition are meted equally to the children. It is the resources that are not equal. In short, with education, markets and *laissez faire* do not fulfill the common responsibility.

I know I will also hear that I am afraid of innovation. Mr. President, I do not know how choice can be considered innovation. We tried it in Alum Rock, CA, with vouchers from 1972 to 1976. The major finding was that parents made little change in where they sent their children, and there is little evidence of any education improvement.

We tried choice in Minnesota through open enrollment. Less than 1 percent of parents participated.

We are trying choice in Milwaukee. Sixty thousand children were eligible, but only 341 enrolled and 249 made it through the year. One hundred fifty-five of these returned to begin this year. Sixty-three of these were dumped in the middle of the school year. The school—the Juanita Virgil Academy—had been a religious school, but applied for public money with the intention of providing nonreligious schooling. Then the parents who had chosen religious education were upset. Finally, the public school children were sent back to the public schools—minus their \$2500 voucher—and the school closed with financial troubles. When have you ever heard such a tale about a public school? And all of the Milwaukee private schools participating received a waiver from the Individuals with Disabilities Education Act. We just finished passing the Americans With Disabilities Act, but we will abandon the young ones in education.

Mr. President, if this is innovation, I don't want it.

I much prefer the real innovation going on in South Carolina today. In South Carolina, we have a Center for the Advancement of Teaching and School Leadership. Ms. Barbara Gottesman oversees the use of \$600,000, and is charged with giving technical assistance, assessing, and disseminating the results of 70 school restructuring projects across the State. Here are just a few examples:

At Conway Middle School, Principal Gil Stefanides has cooperated with teachers to institute whole language learning and writing across the curriculum. For instance, students study "Charlotte's Web" in English and study a related lesson in every other subject, such as spider webs in science. Students write essays in each subject drawing all classes together. Also, in a

radical restructuring move, teachers help design teacher-evaluations, help conduct the evaluation, and help hire new teachers. These teachers are treated somewhat like college faculty, and the students are challenged with higher order, creative learning.

At Fort Mill Middle School, Principal Julia Gregory has set up meetings of teachers three times a week to plan curricula and handle discipline. Teachers work together to handle discipline problems, and children are referred to a designated discipline specialist rather than the principal. This leaves the principal with more time for effective administration. Teachers also have flexibility to schedule planning times.

At McCants Middle in Anderson, Principal Melvin Poore has established a lead teacher program which gives one teacher responsibility for problem solving and discipline. As teachers rotate in this spot, others have more time to plan lessons. And all teachers get broader experience in the schools, and the schools benefit from all of their talents.

At Mid-Carolina Middle School in Newberry County, each teacher acts as advisor for 10 to 15 kids. This means that, rather than having guidance counselors alone struggle to put out fires among hundreds of children, each child has someone responsible for keeping track of them from week to week. These teachers do not take the place of guidance counselors, but they do place responsibility for each child.

At Morningside Middle in N. Charleston, one of the poorest areas, South Carolina Teacher of the Year Jeanne Sink has made an incredible impact. With her assistance, every student has an electronic mail computer link to a student in England. Students talk to English children daily, and write essays on the differences between their lives and those of English students. Grades for many of these children have risen from solid D's last year to B's and C's this year. One child said "this is the first time in my life I feel like I can make it."

At Swansea High in Swansea, Principal Valerie Truesdale lets teams of teachers help design the curriculum. Swansea High includes a new tech prep program which ensures that both college bound and noncollege bound students graduate up-to-date on the use of technology.

At J.L. Mann High, a large high school in Greenville, Principal Fred Crawford has established a college-style course schedule. Most classes meet for 2 hours, several times a week, though the time is adjusted as appropriate for the subject.

At Marshall Elementary in Orangeburg, Principal Dr. Gerald Runager paid for travel and coursework so that one teacher could become an expert in cooperative learn-

ing and philosophy for third grade students. Instead of bringing in a trainer, he now has his own expert who can train other teachers, thus saving money in the long run.

At Keels Elementary in Richland, Principal Shirley Henderson has established interactive video disc as the key element in the science curriculum. State regulations were changed to allow this medium instead of a textbook.

All of these schools are connected through an electronic mail system at Clemson University. Teachers were reluctant at first to use the system, but after teachers in nine groups have been cycled through training, many are amazed at the ease with which they can communicate around the State. This allows teachers to share information about successful projects and problem solving, and it has turned many teachers on to computers for the first time.

Mr. President, my State is strapped for funds. But in this program it is experimenting with real reform and getting its money's worth. We have had choice repeatedly fail to produce academic improvement, and States are free to try again. And private school choice will invite religious entanglement and remove any oversight and direction over taxpayer dollars. Let us agree to fully fund working programs, and step the nonsense about eroding the public school system or pretending that no sensible reform is occurring.

Mr. President, free public education has been an essential American government policy commitment. Let us not find an excuse in choice for the state of the public schools that are not delivering what American children deserve. Instead, let us do what is right and fully fund working programs that give children a better life.

Mr. ADAMS. Mr. President, I have received letters from people in Spokane, Tacoma, Yakima, Vancouver, and other cities and towns in Washington State asking me to oppose any amendment that diverts Federal funds to private schools.

I will oppose this amendment because it would undermine public schools. I oppose it because it would eliminate equal education in this Nation. I also oppose it because, as a member of the Appropriations Committee, I know just how few Federal dollars there are for education.

We simply do not have enough Federal money to begin supporting privately controlled, owned, and operated schools. We do not even know if Senator HATCH's proposal will improve the education of the few students who will be selected by private schools. We do know that private schools do not have the same public accountability under all of the civil rights laws, health and safety laws, and under teacher quality guidelines.

In Washington State, many education programs have lost money because of State budget shortfalls. This \$30 million amendment will do nothing to help public schools who will be hurt by such budget cuts.

Let me tell you some of the programs that have been hurt. Drug/alcohol abuse, highly capable students programs, professional development centers, academic vocational education, small school grants, magnet schools, low-income student tutors, and many more.

Senator HATCH's amendment will hurt children in my State. Senator HATCH's private school vouchers will not increase achievement for students who do not receive a voucher. It will not help prevent drug and alcohol abuse by public school students. It will not help public schoolteachers do a better job.

Senator HATCH's amendment would provide Federal funds to religious schools. But by the time the Supreme Court decides a case about the separation of church and State in education, the money will already have been spent by the private, parochial schools. My State's constitution goes even further than the Federal Constitution. It prohibits any sectarian controlled or influenced schools from receiving public funds.

Let's look at a city-funded example of private school vouchers. In Milwaukee, only a few of the eligible private schools even wanted to accept voucher students. One private school that participated in the program collapsed in the middle of the school year. Sixty-five students had to be reenrolled in public schools. They lost valuable time without a school, without a teacher, without any education at all. That same school was attacked by non-voucher parents for discontinuing bible study classes.

In November 1991, Portsmouth, NH, held a referendum to provide private school vouchers and it failed by a 5-to-1 margin. Clearly, when put to the voters, Americans do not want their tax dollars used for private school vouchers.

Using Federal taxpayer dollars to pay for children to attend private schools is essentially double taxation. Each citizen will pay for public and private schools. But only public schools must take all of our children.

This amendment rushes the Federal Government headlong into an area of education where it should not be. I strongly urge my colleagues to oppose it.

The PRESIDING OFFICER. All time having expired, the question now is on agreeing to amendment No. 1476. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.  
Mr. FORD. I announce that the Senator from Arizona [Mr. DECONCINI], the



Senator from Iowa [Mr. HARKIN], and the Senator from Nebraska [Mr. KERREY], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from New York [Mr. D'AMATO], the Senator from Utah [Mr. GARN], and the Senator from Washington [Mr. GORTON], are necessarily absent.

I further announce that, if present and voting, the Senator from New York [Mr. D'AMATO], the Senator from Utah [Mr. GARN], and the Senator from Washington [Mr. GORTON] would vote "yea."

The result was announced—yeas 36, nays 57, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—36

Bradley	Hatch	Packwood
Breaux	Helms	Pressler
Brown	Kassebaum	Roth
Coats	Kasten	Rudman
Cochran	Lieberman	Seymour
Craig	Lott	Simpson
Danforth	Lugar	Smith
Dole	Mack	Stevens
Domenici	McCain	Symms
Durenberger	McConnell	Thurmond
Gramm	Murkowski	Wallop
Grassley	Nickles	Warner

NAYS—57

Adams	Exon	Mikulski
Akaka	Ford	Mitchell
Baucus	Fowler	Moynihan
Bentsen	Glenn	Nunn
Biden	Gore	Pell
Bingaman	Graham	Pryor
Boren	Hatfield	Reid
Bryan	Heflin	Riegle
Bumpers	Hollings	Robb
Burdick	Inouye	Rockefeller
Burns	Jeffords	Sanford
Byrd	Johnston	Sarbanes
Chafee	Kennedy	Sasser
Cohen	Kerry	Shelby
Conrad	Kohl	Simon
Cranston	Lautenberg	Specter
Daschle	Leahy	Wellstone
Dixon	Levin	Wirth
Dodd	Metzenbaum	Wofford

NOT VOTING—7

Bond	Garn	Kerrey
D'Amato	Gorton	
DeConcini	Harkin	

So the amendment (No. 1476) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SMITH. Mr. President, I have heard much concern voiced by various Presidential primary candidates up in my home State of New Hampshire about our Nation's competitiveness. Well, competitiveness in the world market begins with competitiveness in our schools. It is no coincidence that as we fall behind the Japanese in the quality of our education, we fall behind in the quality of our automobiles and consumer electronics. If we are to maintain our position as a world leader, we must encourage change in our schools.

As a former high school teacher and school board chairman, I understand

the value of local control over the schools. I also understand the frustration schools suffer at the hands of the crushing Federal bureaucracy. Educators who attempt to find innovative methods of teaching their students frequently find their hands tied by suffocating rules and regulations. I was, therefore, disappointed to see what came out of the Labor and Human Resources Committee as a so-called education overhaul bill. The bill as reported did nothing to encourage needed change; it would have merely upheld the status quo. However, we have had a few days of constructive debate on S. 2, and I am pleased that we have had bipartisan agreement on two items that I consider crucial to the future of our schools, the New American Schools initiative and the Hatfield regulatory flexibility amendment.

I supported both of these amendments because I believe they represent departures from the conventional thinking on educational improvement that has given us years of little progress. Already, several communities in my own State have started formulating plans for New American Schools that signify a sincere willingness to break the mold and form innovative schools that can prepare our students for the challenges before them. In addition, I believe that allowing the Secretary of Education to waive regulations in return for holding schools accountable to higher standards will soon give rise to several new and creative approaches to education.

Unfortunately, the Senate has missed an opportunity to foster even greater change by rejecting the Hatch amendment, which I cosponsored. I believe that we need to develop programs on a local level to allow parents to choose where to send their children to school. Today, only the well-off are allowed that choice; those that cannot afford to send their children to a private school must accept what the public education system gives them. We should extend the opportunity to choose an education to all Americans. In doing so, our public schools would be held directly accountable to their consumers, and I believe that such accountability should be an integral component of any attempt to improve our schools. I hope that the Senate will have an opportunity to revisit this issue in the future.

Mr. MURKOWSKI. Mr. President, judging from the unanimous outcome of the cloture vote on S. 2 earlier this week, there can be no question that the Senate is ready and willing to deal with the problems facing our education system. Members from both sides of the aisle, regardless of their views, voted to allow education reform to be brought up and debated on the Senate floor.

We must make this debate meaningful one. This is not about which side

wins, this is about how we can put into motion initiatives that will truly allow change in a system that we all agree is not producing the quality of education we think our children deserve.

Our challenge is not to undermine our public education system but to re-define it.

PROBLEMS IN EDUCATION

Mr. President, we spent 33 percent more per pupil in 1991 than we did in 1981 but Scholastic Aptitude Test [SAT] scores have steadily dropped from a mean score of 948 in 1970 to 900 last year.

Some 15,571,000 new jobs created between 1985 and 2000 require solid reading and writing skills. But only 22 percent of the workers entering the job market today have the skills for those jobs.

Department of Education numbers show that 2,455,000 students graduated in 1989 but 943,000 students dropped out in the same year.

Thirty percent of adults polled in a recent Department of Education study think that public schools were worse in 1990 than in 1985; 69 percent of adults would give U.S. public schools a grade of C, D, or F; 92 percent of adults polled believe local school quality would be improved by more parental involvement in what is taught and the way schools are run.

BOLD SOLUTIONS

These are the kind of statistics that brought us here to put into motion programs to solve these problems. The state of our education system, the threat to our international competitiveness, the high level of interest in methods of reform on the part of all of our constituents just cries out for bold action. Not the status quo, not simply more money but better, alternative, innovative ways to spend our money. Ways to implement new ideas with more efficient use of our money. We need every tool available to us.

I cosponsored the President's Excellence in Education Act, S. 1141, for just that reason—it offers real avenues and incentives to break from the norm and try new solutions. The President offered us a national challenge: he has asked us to try some different and innovative methods of teaching to push up and out the parameters of our existing education system.

S. 2 offers us \$850 million doled out to school districts to use as they see fit. I believe existing school districts have some great ideas about how to improve our education system. They have the kind of intimate knowledge about the inadequacies and successes of the system that is a necessary part of education reform. But why stop there? Why not include other ways and opportunities and incentives to try out alternative methods?

COCHRAN AMENDMENT

We have taken some steps toward improving S. 2. Unanimous acceptance of

Senator COCHRAN's amendment to offer seed money to create break the mold New American Schools was a necessary and positive addition. In conjunction with the New American Schools Development Corp., these schools can really reexamine every aspect of education from curriculum to community resources. This is the kind of bold action that justifies education reform.

#### HATFIELD AMENDMENT

Senator HATFIELD's regulatory flexibility amendment was also a necessary and positive addition to S. 2. If we want real education reform, we have to be prepared to allow some of the old rules to be set aside. We must reduce the layers and layers of regulation that have hampered our education system and weed out those that have outgrown their purpose.

#### HATCH AMENDMENT

To make S. 2 a true reform bill it must contain the President's parental choice program. Senator HATCH has offered this program as an amendment which I strongly support. This demonstration program would provide low-income families with real choices to educate their children and remove the obstacles to their taking advantage of those choices. It levels the playing field for the poorer children. Middle-class and wealthier families already enjoy full school choice. If they are not happy with their children's school they move to a district with better public schools or enroll their children in private schools.

This demonstration program won't work everywhere. The purpose of the Hatch amendment is to see what happens—see where it can make a difference. Why should we limit ourselves? This is the type of program we should be experimenting with. Let's see what happens. Let us not preclude the use of an available and potentially valuable tool. I find it curious that a program that would offer so much—an idea that should be given the opportunity to be proved or disproved—is missing from S. 2. I think it exemplifies the different messages that S. 2 and the President's legislation are sending to the American people.

#### CONCLUSION

The President's initiative, America 2000, has already been welcomed into 30 States. This Nation is ready to put in the work required to make our education system worthy of the challenges ahead. We have a good start on enacting the kind of education reform that will be meaningful to those States and an incentive to those States yet to join.

Thank you, Mr. President.

#### CHARTERED PUBLIC SCHOOLS

Mr. LIEBERMAN. Mr. President, I am very pleased that the distinguished chairman of the Labor Committee has included in the committee amendment to S. 2 a provision which will allow

States to use their set-aside funds for chartered public schools. I believe this amendment is a critical addition to the bill because it provides teachers, and parents with the encouragement and flexibility to create new and innovative public school models.

There is growing frustration that our public schools are not getting better fast enough. We are doing a lot of talking about reform but not enough reforming. This bill, the Neighborhood Schools Improvement Act, is important step in the right direction because it provides a substantial amount of money for public schools to embark on reform measures. With the addition of language allowing States to fund chartered public schools, the bill will also promote the creation of new and diverse public schools developed by those who know best what our children need to succeed and how to provide it, parents and teachers.

Legislation creating chartered public schools has been enacted in Minnesota, and is currently under study by the Connecticut General Assembly and in a number of other States and cities. The charter schools concept has also been outlined in legislation which Senator DURENBERGER and I have introduced. We believe the language in this legislation will allow States the flexibility to create new public schools which will be accountable to the parents, students, and the community.

Chartered schools are public schools. They cannot discriminate on the basis of race, religion, disability, or any other factor. They cannot charge tuition. They must be open to all students with no admissions criteria other than a lottery if all students cannot be accommodated. They must be nonsectarian in their programs, employment practices, and all other operations. These schools will, however, not be part of the existing public education structure. Each school which is chartered will enter into a separate performance-based contract with the chartering agency. The school's charters will be reviewed on a regular basis to ensure that they are meeting or exceeding the outcomes agreed upon in the charter.

Charter schools introduce an important aspect of choice and creativity into our national vision of public schools. These schools can be designed to meet the particular needs of a community or a group of students. As Theodore Sizer, chairman of the Coalition for Essential Schools has said:

Good schools have to be attentive to their roles in their immediate communities and are very much the creatures of the particular people in them. If we were to visit Central Park East in Manhattan and then University Heights in the Bronx [two alternative schools], we'd see common commitments but quite different practices. The kids are different and the teachers are different and it is in those differences that excellence emerges. What we need is not more models

to copy, but more examples to provoke us all.

Charter schools will provide us those examples, schools which are tailored to their communities and the needs of their students but all with a firm commitment to excellent outcomes.

Dr. Stephen C. Tracy, the superintendent of schools in New Milford, Connecticut has been the leader of efforts to enact charter schools legislation in CT. He now chairs a State legislative task force which is reviewing the charter schools concept. Explaining his interest in charter schools Stephen Tracy has said that we need to acknowledge "that the values of public education require new rules for schooling our children. The hour is late, and the stakes are high. It is time to give choice a chance." Charter schools will give teachers, parents and students a chance to choose how to structure their schools and ensure that they obtain the best education possible by promoting the development of new chartered public schools directly responsible to the governmental entity which chartered them, the students they educate and the parents who chose to send their children there. We must be willing to look at new rules for operating our public schools, we owe it to our children.

Mr. President, I have just spoken at length on which I support charter schools. My understanding is that under the committee amendment to S. 2 new chartered public schools such as those provided for under Minnesota law and under consideration in Connecticut and a number of other States could receive startup assistance from the funds set aside for State-level initiatives in section 202 of this legislation. Chartered public school programs which would be eligible under this provision are those established by groups of teachers, parents and community groups which enter into an outcomes-based contract with the State or locality empowered to enter into a charter agreement. Those schools must, of course, comply with the language in the bill stating that new public schools must be nonsectarian in their programs, admissions policies, employment practices, and all other operations and shall not be affiliated with a nonpublic sectarian school or religious institution. I would like to ask the manager of this bill, the distinguished Senator from Massachusetts, if I am correct in my understanding that these public chartered schools would be eligible for funding under section 202?

Mr. KENNEDY. Mr. President, I want to thank the Senator from Connecticut for raising the issue of chartered public schools. I am familiar with charter schools as enacted in Minnesota and under consideration in a number of other States, including Connecticut and Massachusetts, and I want to assure my colleague from Connecticut



that the language of S. 2 which would allow States to set aside money to develop new public schools, includes nonsectarian chartered public schools as you have described.

Mr. LIEBERMAN. I thank the Senator for his interest in this issue and I want to reiterate that these chartered schools will be public schools, new and innovative public schools which could be created by a group of teachers, parents, or by a local community. Under section 202 of this bill a State could use these set-aside funds to create new public schools which are not part of the current public education system. The schools must be governed by principles of public education including no discrimination on the basis of race, religion, disability or other factors, no charging tuition, no selectivity in admissions, and must be nonsectarian in programs, employment practices and all other operations. I thank the chairman of the Labor Committee for working with us to include this language in the bill and for his interest in this area.

Mr. KENNEDY. As the Senator from Connecticut is aware, S. 2 is dedicated to promoting innovation in our public schools. Charter schools are one way to promote innovation and can make an important contribution to the improvement of our public schools.

Mr. LIEBERMAN. I thank the distinguished chairman. I am very pleased that the Neighborhood Schools Improvement Act will enable States to use set-aside funds to develop chartered public schools and I congratulate the chairman on sponsoring this legislation which will play a vital role in improving education in America.

#### AMENDMENT NO. 1474

Mr. HATFIELD. I would like to take this opportunity to insert two letters into the RECORD regarding my amendment to S. 2 on education flexibility which was adopted by the Senate earlier today.

I am grateful for the support of the National Governor's Association and the National Conference of State Legislators in this endeavor.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE  
OF STATE LEGISLATURES,  
Washington, DC, January 22, 1992.

Hon. MARK HATFIELD,  
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the National Conference of State Legislatures I write in support of and appreciation for your amendment to S. 2, the Neighborhood Schools Improvement Act, which seeks regulatory relief. Such a move on the part of the Congress and the Administration would underscore the seriousness of your efforts to assist states and school districts in the work of reform and restructuring with a focus on improved educational outcomes rather than regulatory obedience.

Because of the primary responsibility states and their legislatures have for edu-

cation, NCSL has long supported the concept of federal educational assistance that establishes clear parameters of programmatic expectation and the flexibility to allow states to plan and design such a program to meet diverse needs, and then to be held accountable for that plan. That is the basis of your amendment along with continuing protections for the civil and constitutional rights of students, and we gladly support it.

We are grateful for your efforts in this matter.

Sincerely,

PATRICIA SKINNER,  
Chair, New Hampshire House Education  
Committee, Chair, NCSL Education and  
Job Training Committee.

NATIONAL GOVERNORS ASSOCIATION,  
Washington, DC, January 21, 1992.

Hon. MARK O. HATFIELD,  
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: I write in support of your amendment to S. 2, the Neighborhood Schools Improvement Act, relating to regulatory flexibility. This amendment changes a serious problem known for years by Governors, local officials, and educators alike; many current federal programs are made cumbersome—even ineffective—by overregulation.

By contrast, with your regulatory flexibility amendment, the Secretary of Education could have waived most statutory and regulatory requirements in exchange for holding grantees accountable for achieving educational gains. The goal is to allow school personnel to focus their efforts on helping children, not interpreting federal regulations.

There are several other ways in which the amendment promotes important reforms that have been supported by the nation's Governors. For example, this amendment gives teachers and communities more flexibility in using \$9 billion in assistance to elementary and secondary education. And because schools must be given flexibility to promote educational reforms that deal effectively with the increasingly diverse educational needs of its students, the amendment will give teachers, principals, and parents more authority—school by school—to make important decisions about how their school will operate.

Additionally, the amendment provides important protections. In particular, statutes and regulations that protect the civil rights of students (including protections against invasions of privacy), and those that apply to children with disabilities, will not be waived. For all of these reasons, the amendment should be favorably considered.

The nation's Governors are grateful for your efforts on regulatory relief.

Sincerely,

GOV. JOHN ASHCROFT,  
Chairman.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be 30 minutes of debate equally divided and controlled in the usual form on the Hatch Chapter 1 amendment, with no amendments to the amendment in order; that at the conclusion or yielding back of time, the Senate, without any intervening action or debate, proceed to vote on or in relation to the Hatch amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the

unanimous-consent request propounded by the majority leader is agreed to.

Mr. MITCHELL. Mr. President, might I ask that during this debate in the next 30 minutes that staff of both sides, with the managers, get together and attempt to determine precisely how many amendments are left which will require debate and votes and to see if we can identify a time when we can complete action on those measures that will accommodate the largest number of Senators.

We are now confronted with three different requests. One group of Senators would like to terminate proceedings right now for the remainder of the evening. Another group would like to have no session tomorrow and a third group would like to have no session on Monday. We are trying to reconcile all three of those in a way that can permit us to complete action on this bill, and that, of course, will be difficult.

Mr. DOMENICI. You did not mention Tuesday.

Mr. MITCHELL. Those requests usually do not start until Friday. If the managers—and I think they are working in good faith and closely on this—can develop a list which will permit us to identify with some reasonable accuracy what amendments will actually require time, how much time, then perhaps we can reach an agreement that will accommodate the largest number of Senators and permit us to complete action on the bill at the earliest possible time.

Mr. President, I thank my colleagues for their cooperation.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just following up on the majority leader's request, could I request 4 minutes evenly divided between Senator HATCH and myself, not to be counted on the next amendment?

The PRESIDING OFFICER. Is there objection to the request? The Chair hearing none, the request is agreed to.

Mr. KENNEDY. Mr. President, I thank all of our colleagues for the cooperation that they have given us. We have tried to work through amendments. We have a number of amendments and we have talked to the principal sponsors of the amendments. We are trying to cooperate with the majority leader who is trying to cooperate with everyone to try and find out the best way to proceed. So I hope that we can work with my friend from Utah and at least, if it is possible, indicate what remains to be done in terms of votes and time so that after the next vote we might be able to reach at least a procedure which would be satisfactory to the general membership.

Mr. HATCH. Mr. President, I am aware of 24 amendments on our side and I have asked our side to check and see how many of those we can get rid of, either by unanimous consent or

withdrawal. Hopefully within the next half hour we will have a scaled-down list. But as of right now, there are a lot of amendments.—I suppose Senators feel all of them are very serious amendments. I do not know what to do other than to do the best I can to try to accommodate our colleagues.

Mr. KENNEDY. Mr. President, just to take the remaining time, I think all of us have been around here long enough to know that if we do not continue, then we will have another 24 amendments starting on Monday. So it would be my strong desire just to continue to work through these amendments until we can at least find some procedure for bringing at least some conclusion.

Mr. HATCH. Mr. President, I am prepared to work through the evening, if we have to, to consider these amendments. However, I would prefer to work out a unanimous-consent agreement and put over remaining amendments until next Tuesday. We can debate them tomorrow and Monday. By necessity I cannot be here tomorrow, but I think those who have amendments can argue them and we can stack these votes. Hopefully, we can cut down on the number of amendments. We will make every effort to do so.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order.

The Senator from Utah.

#### AMENDMENT NO. 1480

(Purpose: To amend the amount of grants received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. AKAKA). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself, Mr. GARN, and Mr. COATS, Mr. CRAIG, Mr. SYMMS, and Mr. NICKLES, proposes an amendment numbered 1480.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, in the table of contents, after the item relating to section 212 insert the following:

#### TITLE III—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 301. Amendments to the Elementary and Secondary Education Act of 1965.

On page 2, in the table of contents, redesignate the item relating to title III as the item relating to title IV.

On page 2, in the table of contents, redesignate the item relating to section 301 as the item relating to section 401.

On page 56, between lines 19 and 20, insert the following:

#### TITLE III—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

#### SEC. 301. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(a) SHORT TITLE.—This title may be cited as the "Educational Equity Act of 1991".

(b) AMOUNT OF GRANTS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) in subparagraph (A) of section 1005(a)(2), by striking the second sentence and inserting "The amount determined under this sentence shall be the average per pupil expenditure in the United States."; and

(2) in each of sections 1201(b), 1221(c), and 1241(b), by striking "in the State (or (A) in the case where the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, of 80 percent of the average per pupil expenditure in the United States, or (B) in the case where the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, of 120 percent of the average per pupil expenditure in the United States)" and insert "in the United States".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1992.

On page 56, line 20, strike "III" and insert "IV".

On page 56, line 21, strike "301" and insert "401".

Mr. HATCH. Mr. President, this is a very important amendment. It affects every State in the Union. It affects the allocation formula for every State. I have to apologize to some of my colleagues who are adversely affected by this amendment, but it is a fair amendment and 28 States benefit from it.

Mr. President, Utah has a proud heritage of support for public education. Utah citizens are above the national average in years of schooling completed. Our students are first in the Nation in the percent who pass advanced placement exams. Our residents make an above-average contribution to education in their taxes. Our school administration costs are among the lowest in the Nation. Our teachers instruct classes that are the largest in the Nation and serve at salaries less than the national average, but they continue to turn out successful students who will be strong and contributing citizens.

I am proud of our students, our teachers, our administrators, and all our fellow Utahns who work together to create a quality education for all our citizens. I am proud to work together with my colleagues in the Utah congressional delegation to support our State in its efforts to educate Utah children.

Today, I am offering an amendment to S. 2 to change the distribution of

Federal funds to Utah and 27 other similarly affected States. While we seek to increase the funding that Utah receives on a per-student basis, funding that is vitally needed in our State, the change we are proposing in the often-used Chapter 1 formula is fundamentally fair for all States.

I have grown increasingly concerned over the distribution of Federal funds to our States. This problem has been made especially clear in the report on "Distribution of Federal Elementary-Secondary Education Grants Among the States." As you may know, this study is the result of a request made by Representative OWENS and me during the recent reauthorization of the Elementary and Secondary Education Act.

The low per-pupil funding in Federal funds in Utah is mainly a result of the tendency of Congress to use the Chapter 1 formula as the principal means of distributing funds in education. This formula is used to distribute funds to students who are educationally disadvantaged. Since we have never been able to identify nationally which students are educationally disadvantaged, we have agreed that an economically disadvantaged child tends to be an educationally disadvantaged child. Consequently, the formula for this program is based on the number of students who are found to be in poverty based on census data.

I strongly agree with the need to serve children who are educationally disadvantaged. I firmly believe that the strength of our country is based on a quality education for all our children.

However, I do have concerns about how frequently we use a formula designed for one purpose to serve other purposes. Our educational programs should have their own formulas geared to the purpose they are intended to fulfill. The Chapter 1 formula should be used only for programs which serve children who are educationally disadvantaged. It should not be used for math-science programs, teacher training, drug abuse prevention, or any other programs that are intended to assist students generally.

I am also concerned about two primary factors of the Chapter 1 formula. First, it uses census data that is always between 2 and 12 years old; and second, it incorporates State per-pupil expenditure as a determinant of how much money a State receives.

Mr. President, I cannot hear myself talk.

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

Mr. HATCH. Mr. President, I apologize to my colleagues, but this is really important. It is going to affect every State here. I do not want to do anything that is harmful to any State. I want to help every State in education. But this formula is a bad formula. The



result of it is that the formula provides more money to States with high per-pupil expenditures. In other words, more money is allocated to rich States that can afford to help their students, while the poor States are bereft and left without money.

I do not know why a poverty formula gives more funds to poor children in a wealthy State than it gives to poor children in a poor State. This formula provides \$1.50 to every poor child in Connecticut, which has the highest per capita income in the country, for every \$1 we give to a poor child in Mississippi, which has the lowest per capita income.

The change I am proposing today will help solve the problem created by this second formula factor. I have reviewed a variety of methods for handling this problem and have concluded that the fairest and easiest approach is to simply remove the State per pupil expenditure from the formula and substitute the national per pupil expenditure. This means that once we have identified poor children, we will provide the same amount of money per child regardless of where they live.

Therefore, I am proposing this amendment, along with my senior Senate colleague, Senator GARN, and Senator COATS to make a change in the current Chapter 1 formula. I hope that we can take an even closer look at the Chapter 1 formula in the future as well as other education formulas to ensure that they distribute our Federal education dollars appropriately to all 50 States, based on the specific purpose of the program.

I would like to take just a minute to read a list of those 27 States that would benefit from this modest formula change: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and West Virginia.

In some States it makes no difference: Nevada, North Dakota, Vermont, and Wyoming.

Mr. President, this amendment deserves to pass. It is fair. It is weighted on national terms rather than individual State terms, where wealthy States get more money than States that are poor. I have to tell you, my State is at the bottom of the list, and it just is not right. We have more students in that State and we spend more money than you would ever believe possible, but we still are at the bottom of this list.

That is not the only reason I am offering this amendment. The formula as currently devised is unfair. Twenty-eight States will benefit from this. Unfortunately some of the other 22 States, will lose funds.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from New York.

Mr. MOYNIHAN. Mr. President, this is an amendment which will not only kill the bill before us, but would put an end to Federal aid to education. I will say it again. This is a measure that will put an end to Federal aid to education.

When I came to Washington more than 30 years ago, one of the shining ideas in American governance was the idea that the Federal Government should start helping States, cities, and townships with school costs.

For years, first under President Kennedy and then under President Johnson, we were hung up on the issue of nonpublic schools. In 1964, Mr. President, I was one of those who negotiated the agreement on the Democratic platform that led to full support for Federal aid to education, as it was called. That platform was adopted in August. The election took place in November, and the Elementary and Secondary Education Act of 1965 was on President Johnson's desk in April. That is how anxious we were to go forward, and we found a formula based on the needs of children. That formula has been in place for a quarter century now.

This would destroy that formula, that rationale, that purpose. The Federal program will not survive. To take New Jersey, Pennsylvania, Rhode Island, Massachusetts, New York, to take out a fifth of their funding in one 30-minute amendment, is to ask those regions of the country that brought Federal aid to education to the Nation—it did not come, sir, from the far West, it did not come, sir, from the deep South; it came from our part of the country—to give up on this approach. To punish those parts of the country from which it came would mean to turn us irrevocably against the whole principle of Federal involvement.

I plead with the Senate. Do not do this. You are destroying the work of a generation after World War II which brought the Federal Government into the business of aiding schools through the principle of aiding poor children. That was our purpose, for children. That is what title I did. It is now chapter 1. To do this is to turn away from our whole history; it is to salvage one of the few achievements of the postwar American politics.

Thank you, sir.

Mr. KENNEDY. I yield 2 minutes to the Senator.

Mr. DURENBERGER. Mr. President, I rise to state my strong opposition to the amendment offered by the distinguished Senator from Utah to base the formula for distributing Chapter 1 funding on national average costs and expenditures rather than on per pupil expenditures in each individual State.

My State of Minnesota is adversely affected by the funding formula, but

maybe in that there is also a message. My State is penalized because it spends a lot of money on elementary and secondary education and on Chapter 1 funding.

There are a number of Federal education programs which adapt the Chapter 1 formula to distribute funding for programs for vocational education, drug-free schools, migrant education, and a lot of other important National Government initiatives, including the legislation we are considering today.

So the true cost of this amendment to the schools and the schoolchildren is potentially much more than the \$325 million shift that was mentioned here today. Why do all of the States lose money under the funding shift? Because they take the initiative to spend more money out of their own pockets than do the average States in this country.

Is it that kind of message we want to send the State through this legislation? We know we are in tough economic times; we know States are facing billions of dollars in spending cuts to balance their budget; we know the Chapter 1 program is already seriously underfunded; we know Chapter 1 students need more help and not less.

Mr. President, the spirit of the Senate this week is to improve schools, to create new schools, to add value to our Nation's economic system; not to take it away. America's schools and schoolchildren need more resources and new ideas, not fewer resources for a program that is already sadly underfunded.

On a more practical concern, I believe adoption of the amendment would seriously jeopardize eventual passage of this legislation and all of the advances that are included in it.

I look forward to working closely with my friend and colleague from Utah during the reauthorization next year, and, if he wants to debate the formula, there might be a more appropriate time to do it.

But I now urge my colleagues on both sides of the aisle to put the interest of all children in America first as they vote on this important amendment.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 9½ minutes.

Mr. KENNEDY. I yield 2 minutes to the Senator from Rhode Island.

Mr. PELL. Mr. President, this amendment would make a major change in the formula for the Chapter 1—formerly title I—program which is our major elementary and secondary education program at the Federal level. It is something to which we should give thoughtful, careful consideration.

This is also something that should be considered only when the Elementary

and Secondary Education Act comes up for reauthorization in 1993. At that time, I understand and anticipate that there will be questions about the formula that will be a subject of our reauthorization hearings.

As we put a reauthorization bill together, we will at that time consider not only the Hatch formula proposal, but a series of other proposals as well. In that regard, I can assure my colleague from Utah that his proposal will most definitely be on the table, and I will make every effort to fashion a formula accommodating the concerns that he has.

We have been able to accomplish this in past reauthorizations, and I hope we can in the future. I am convinced that we can put a formula together that does not divide us along partisan lines or produce rancor among Senators from the different States. That goal will not be easy to reach, but the Senator from Utah has our commitment to make every effort to accomplish that objective.

It is something, however, that should not be done on this bill or on the Senate floor in the way that is proposed. It is something that should be a part of the ESEA reauthorization, and it should be a part of the bill that is put together by the Education Subcommittee and considered within that context.

I hope, therefore, that the amendment will not be adopted.

Mr. HATCH. Mr. President, this is not as difficult as people are making it out to be. To say that all the educational system is going to come down. That is poppycock. If you read what the Department of Education says in its special report entitled "Distribution of Elementary and Secondary Education Grants Among the States," it says:

There is evidence that the per pupil expenditure factor is not a good proxy for the cost of education. The comparison with two other cost-related factors, average teacher salary and the average private sector wage, suggests that the expenditure factor systematically exaggerates the cost of education in the higher-income States and underestimates it in the lower-income States.

Mr. President, that is what we are talking about here. We have lower income States that get less from this formula than higher income States that are more capable of paying for education. Mississippi is at the bottom, so is Utah. We do not have high incomes in our States. We do everything we can in Utah for education but this formula really takes us apart.

Senator MOYNIHAN's argument seems to be that we, in the northern part of the United States, created this formula and provided funding. Now, you in the South and West are trying to take it away from us. You did not create this formula. This change is going to hurt the Northeast.

I do not want to hurt any section. I want to be equitable. I want to be fair.

I want to do what is right for the children of this country. If we are going to provide Federal funds, let us not weight it in favor of the wealthy States that can afford it, while the poor States get less per child.

It does not make sense to keep this current formula. Nearly everybody who looks at it admits it is wrong. I have raised it for years. Nobody gives a darn about it.

It is important. Money should be distributed equally to poor students, not on the basis of past history. This formula change will send equal money to poor children in every State. It will not send more money to poor children in wealthy States, and less money to poor children in poor States. This is a poverty formula. It should be fair.

I do not blame anybody that has money to lose for fighting this change. I realize people feel badly about it. However, I am fighting for poor children in poor States as well as poor children in wealthy States. It is not fair.

We have allowed the formula to go on and on. It has been an inequitable and unfair plan for years. I am not willing to do it anymore.

Twenty-eight States will be helped by this. Almost all of them poorer States, and in four other States it does not make any difference. I think it is time to change the formula. We ought to face this issue, and it is the time to do it.

Mr. GRAMM. Mr. President, will the Senator yield?

Mr. HATCH. I yield 2 minutes to the distinguished Senator from Texas.

Mr. GRAMM. Let me congratulate my dear friend from Utah for an excellent amendment. Every time we try to change a formula that is unfair to the part of the country that ends up losing under every formula written, somehow we are threatening the system, or somehow some committee somewhere is going to fix the problem.

Let me make it clear exactly what the Senator from Utah has proposed. What the Senator from Utah has proposed is to base the amount of money given to each State on the number of children living in poverty. So basically, a State will get money based on the number of poor children who need the help.

The problem with the existing formula is that States like Arkansas, Georgia, Mississippi, South Carolina, Texas, and other States that do not have high per-capita incomes, but that have a lot of poor people, end up being short-changed by the existing formula.

Now, if we wanted to work out a compromise, I could easily propose a compromise. If you want to get State effort relative to State income, take the State effort and divide it by a per capita income. Then, where we have a State that is relatively poor and is spending a lot of money on education, if you want to protect them, reward

them. You could give those states a higher share. Under the current formula, clearly what happens, unless we are refighting the Civil War, is that Arkansas, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, and Texas, are the States that are the losers. I cannot see why States like Texas ought to be discriminated against by high-income States.

So I hope my colleagues will support this amendment. Or, if in the spirit of compromise, they want to adjust for per-capita income in the formula to gauge the State's effort relative to its ability, which is a fair compromise, but not a concept I am in love with, then I would propose that we do that. We might set this amendment aside and see if we could work out a compromise.

The PRESIDING OFFICER. The time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes. I think we just have a typical example of what happens late at night when the Senator's description of the Hatch amendment is completely wrong.

So, it is interesting what Senator HATCH has proposed. In the bill that came out, we wanted to have a chapter 1. Senator HATCH said no. He said let us do it under chapter 2 and do it by population.

We said this is for disadvantaged children primarily. We accommodated population States.

The bill that is before us now has changed. What was initially introduced by the Democrats to include population as well as disadvantaged children, we tried that. And now he wants to change. Now he wants to change the chapter 1 formula. He never asked for a hearing, never asked for a hearing of Senator PELL or the chairman of this committee, never asked for that hearing. We have not had a hearing. We have not had a request.

He is not here to represent that the administration has made such a request, and here is 1983. Let me read what the Senator from Utah said when we had another example of someone who wanted a change. This is June 15.

In this key formula "Chapter 1 \* \* \*" competing interests and needs must be carefully balanced to give the fairest results for all, and especially for the disadvantaged children served by the program. This can only occur through deliberate and thorough consideration in committee of this and alternative changes to arrive at the best one. Occasions for the restructuring of this formula come rarely, \* \* \*

We could have others. They do. It has been 17 years. " \* \* \* and we have no excuse for not taking the time to make sure the version we pass is the very best and most equitable."

He goes on. "It is ridiculous to believe that the just balancing of inter-



ests, the resolution of conflicting claims of equity and injustice, can be accomplished by a few minutes' discussion on the floor of the Senate. Instead, without on the spot being able to get to the bottom of the claims to be made for and against this and the substitute amendments, we will today, by-and-large simply vote our pocketbooks. Is this the type of reflection we owe these disadvantaged children?"

I just heard a few minutes ago on the last amendment all about disadvantaged children, and now ORRIN HATCH saying in 1993 Utah is going to benefit. We grant you that, but, I say to ORRIN HATCH, is this the type of reflection we owe these disadvantaged children?

We have had 30 minutes debate late, no notice, in terms of the nature of the change. We have been, on our side, been 5 hours with the administration trying to work out the Cochran and Kassebaum amendment, which we are able to do on the other kind of amendments here today, that we are able to try to do. And we are asked in 30 minutes to change something that has been in 17 years.

I say to the Senator we will give him the hearings, all the hearings he wants on this issue. But let us not ask the Senate of the United States tonight on something that is as important to disadvantaged children as title 1, to be changed, particularly after we aired it at his request in this bill the Chapter 2 proposal that gives the distribution of funding solely on population that was going to help Utah.

We went halfway with him and now he is asking to undermine one of the most basic and fundamental and successful programs. I hope that this amendment will be defeated.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, all the shouting in the world is not going to change the fact that poor kids are hurt by the current formula. All the shouting in the world or reminders of the need for committee hearings are not going to help those kids.

This formula change will send equal money to poor children in every State unlike the current formula. My amendment will do that. It will not send more money to poor children in wealthy States like the current formula does, and less money to poor children in poor States.

This is a poverty formula. We have brought it up many times in committee. We have brought it up behind the scenes. We have brought it up among staff and I brought it up last March, when I introduced the bill containing the same provisions. This is not the first time anyone has seen it. Everybody here has known this was going to come up today.

A lot of my colleagues are upset because it does affect their States adversely. But a lot of my colleagues are

happy because they are finally seeing a change that is equitable and fair. Look, I do not blame some of the States in the Northeast. Some of them are those who inequitably benefit from the current formula. New York loses quite a bit of money on this thing. But why should the wealthy States' children have all the advantages over the poor States with poor children? It just does not make sense.

This is not something new or something that is difficult to understand. My goodness gracious, it just says that money should be distributed equally among poor students. It bothers me that some of these Senators from the wealthier States do not see this. Some of the people around here who have the greatest reputations for trying to do what is right for everybody cannot see this on this formula.

"Won't" see it is a better word.

I am not mad at anybody. I just think it is time to change it. We have raised it time and time again. Everybody knows it. It is simple. It is not difficult to understand. We are going to treat poor kids equally everywhere. The poor States are no longer going to be bereft of Federal funds. They should have their fair share.

I have to tell you, a lot of the States who benefit are represented by colleagues on the other side of the aisle. Some are represented by colleagues on this side of the aisle. And I care for all of them. Some of my colleagues will lose under this formula. I feel terrible about it, but it is fair.

It is time to face the facts: It is time to resolve these problems. My goodness, my dear friend and colleague from Connecticut, Senator LIEBERMAN, supported me on my last amendment. I feel terrible that Connecticut is one of the States that loses. But it is the wealthiest State in the Union. They can afford to help their kids in education more than any other State. I do not mean to make an example of them. I am just saying, let us be fair.

Look, if we are going to be liberal on this floor, let us be true liberals. Let us help these kids that need help. Let us be fair. Let us distribute this money in a fair manner. I think it is pretty clear, easy to understand that we should adopt this amendment.

Mr. KOHL. Mr. President, we are all concerned about the state of education in America today. Concerned that thousands of young people are graduating from high school without the resources and background needed to pursue a postsecondary education or secure gainful employment. Concerned because funding for education has been drastically cut over the past 10 years. And concerned because the amendment before us, though a sincere attempt to achieve desirable goals, will have the effect of cutting millions of dollars in Federal funds for education programs throughout the United States.

There is no denying that the educational system in our country is in crisis. I think this is something we all agree on. And I think we also agree that funding—adequate, equitable, sufficient funding—is one of the causes of that crisis. Jonathon Kozol, in his recently published book, "Savage Inequalities," documents both the inadequacy and disparity in funding that exists now. He writes about plaster falling from the ceilings of school buildings in inner-city schools in New York city. He identifies underpaid, unrecognized teachers working with half the necessary textbooks and few, if any, teaching materials in Chicago. He discusses overcrowded schools with classes being held in hallways and noisy gyms in Camden, NJ.

The children we place in those environments can't learn; the teachers can't teach; the schools can't function. And, as a result, our country can't prosper.

It isn't that the kids don't want to learn or that teachers don't want to teach or that public schools have some inherent flaw built into their structure which makes them fail. Let me share with you a story from Kozol's book which illustrates that point.

Kozol describes a meeting he had with a high school senior from an inner-city school in New York. The student wanted to go to college. He knew it was important, he wanted to be a success, he was willing to dream about a better life. But as Kozol talked to him, he discovered that the student went to English class for 2 months before the school was able to provide a textbook—and he went through the entire school year without a science text. His whole education has taken place in crowded classrooms with inadequate resources. The result, Kozol, explains, is an inadequate education. He describes the net result:

In math, according to a practice test he has been given, he is asked to solve the following equation: " $2x - 2 = 14$ . What is  $x$ ?" He finds this baffling. In English, he is told he'll have to know the parts of speech. In the sentence "Jack walks to the store," he is unable to identify the verb.

Is that student ready to go to college? Obviously not. But is he ready to learn? I believe the answer is "yes." And I believe he can learn, he will learn, if we give him the support and resources he needs. We won't get that support and his school won't get the resources if we cut the Federal education funds that go to the existing educational system.

Clearly we have to deal with these problems. But the pending amendment, actually reduces the funds which some of our existing, already troubled schools need.

We've all heard the phrase that our children are our future a million times; we have all said that an investment in our Nation's children is an investment

in our Nation's future. But I'm afraid that repetition may have dulled our senses. We may not realize just how true it is. And as a result, I fear for our future, Mr. President. I fear that someday, in the not-so-distant future, we are going to realize that our children are now adults—adults faced with the task of leading our country, building our businesses, preserving our freedom and our prosperity. And when that happens, our Nation is going to be in crisis because we didn't address the educational problems of today with sound solutions that are going to get to the root of our problems.

I know we all are frustrated by the current state of our educational system. And we all want to improve the situation as soon as possible. But we need to make a concentrated effort to make real improvements—not just apply a few Band-Aids or, even worse, walk away from the open wounds and look around for a few healthier bodies.

Rather than taking away from those who are working to improve the lives of children, we need to increase funds for programs that are proven successes. We need to fully fund Head Start and Chapter 1 Compensatory Education. We need to reduce class size, especially for disadvantaged children. We need to fully fund the Education for the Handicapped Act to screen, assess and appropriately teach children with learning disabilities, most of whom have above-average intelligence, but are at-risk in conventional classroom situations. And we need to provide early access to vocational training and job skills development for noncollege bound students, while guaranteeing access to college education for those who want a post-secondary education.

What we don't need to do is cut Federal education funding to various States. Because I believe that is the effect of this amendment, I cannot and will not support it. And I hope my colleagues will reject it.

Mr. D'AMATO. Mr. President, I rise in opposition to the amendment by the Senator from Utah.

The chapter 1 program is the largest Federal elementary and secondary program, providing more than \$6 billion in aid to States and local school districts in fiscal year 1992 for the education of disadvantaged children. It would be a grave mistake to adopt an amendment to drastically change its funding formula after only 30 minutes of debate.

Any amendment to the current funding formula should be fully debated after hearings and public input that thoroughly analyzes the underlying policy reasons for a change. A study recently released by the U.S. Department of Education examines the use of State spending and tax effort as cost proxies for Federal formulas. This study and others should be thoughtfully examined before the current, carefully-crafted formula is amended.

The program is scheduled to be reauthorized beginning in 1993. Any amendment to alter the funding formula in current law would cause tremendous disruptions in the program 1 year prior to its review.

Moreover, beginning in fiscal year 1993, we will transition from the use of 1980 census data in making chapter 1 State allocations to 1990 data. Any amendment to alter the formula before the change in census data is implemented will cause wide fluctuations in State allocations for several years.

On a bill intended to improve the quality of our nation's schools, the Hatch amendment sends States the wrong message. Under the amendment, States that make a greater than national average effort in state per pupil expenditures would be penalized with reductions in their chapter 1 funding. States that choose to spend below the national average in State per pupil expenditures would be rewarded with a greater proportion of chapter 1 funds. This simply doesn't make sense.

Mr. President, we need to remember that the current Chapter 1 formula already substantially benefits low-spending States by adjusting these States up to 80 percent of the national average per pupil expenditure, for purposes of allocating Chapter 1 funds. Utah, for example, would lose 26 percent of its Chapter 1 funding if its actual State per pupil expenditure were used in the formula, rather than the 80 percent "floor."

At the same time the current formula already effectively penalizes high spending States in that these States are capped at 120 percent of the national average spending rate. New York State, for example, would receive 32-percent more aid if its actual per pupil expenditure rate were used in the formula. New York spends 163 percent of the national average, but is capped at 120 percent for the purpose of the Chapter 1 allocation.

The Hatch amendment would add insult to injury by further penalizing high spending states, while granting an added windfall to those States with low per pupil expenditures.

Mr. President, in closing let me remind my colleagues that it is not high spending States, per se, that will lose under this amendment—rather, the real losers are the very children that this bill is designed to help. In New York alone, this amendment will result in a cut in services to approximately 77,000 low-income children currently receiving Chapter 1 services in the State.

Mr. President, we simply have not had enough time to consider the full impact of this amendment. This is an issue that deserves prolonged consideration as part of the Chapter 1 reauthorization, but it does not belong on this bill. I urge my colleagues to join me in urging its defeat.

Mr. DODD addressed the Chair.

Mr. KENNEDY. Mr. President, I yield a minute-and-a-half to the Senator from Connecticut.

Mr. DODD. Mr. President, I strongly object to the amendment of the Senator from Utah, and also strongly object, with all due respect, to the allegations made by the Senator from Utah that this is somehow a simple formula, just based on the affluence of one State and the poverty of another. The formula runs on about a page-and-a-half or 2 pages. It is based on a very complicated set of statistics. And what you are doing here is you are penalizing effort.

I come from Connecticut. It is an affluent State, unless you happen to live in Bridgeport, Hartford, or New Haven, which ranks as the fourth, seventh, and ninth poorest cities in America with populations over 100,000. These formulas are designed in a way to try and reward effort and also to take care of children who are living under some of the worst conditions. But to suggest somehow that merely because the State of Connecticut is affluent, or has been, or the State of Rhode Island, or the State of New York in some ways that that is the basis upon which this formula has been designed is a total mischaracterization.

Mr. President, I would just ask my colleagues to look at Compilation of Federal Education Laws, As Amended, through December 31, 1990, section 105, on basic grants, part A. They can read. I will not take the time. I do not have the time in a minute-and-a-half to go through all of this page, all of this page and beyond, to describe the formula that has been designed. And now in 10 minutes we are going to scrap it all and redesign the rules. That is a highly irresponsible way for us in deciding what the formulas ought to be that serve children in this country.

Mr. KENNEDY. Mr. President, I yield the final 2 minutes to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, and Members of the Senate, the Rules of the Senate permit a Senator to offer an amendment without any notice and without any prior description of the amendment. It happens here on a daily basis, and we regularly confront a situation where we must vote on something which we have not seen or heard at all before.

That situation occurred in 1983, and Senator HATCH then stood and rightfully and righteously denounced the effort. It is rare that a circumstance will arise exactly on the same formula. But when someone else in 1983 tried to do what Senator HATCH is trying to do tonight, he stood on the Senate floor and denounced the effort. And I have not heard a better argument made in all my years in the Senate against an



amendment than the argument made by the very sponsor of this amendment here tonight.

I will not read the whole quotation that Senator KENNEDY read but just the last few words are directly relevant. Senator HATCH said then:

It is ridiculous to believe that the just balancing of interests, the resolution of conflicting claims of equity and injustice, can be accomplished by a few minutes' discussion on the floor of the Senate. Instead, without on the spot being able to get to the bottom of the claims to be made for and against this and the substitute amendments, we will today, by-and-large simply vote our pocketbooks. Is this the type of reflection we owe these disadvantaged children?

And tonight Senator HATCH stood and said his amendment helped 28 States, a direct and overt appeal to Senators to vote their pocketbooks, previously what he urged the Senate not to do in 1983.

I submit to my colleagues, Senator HATCH was right in 1983; he is wrong tonight, with all due respect. I hope the Senate will reject this amendment. This is no way to legislate on a matter of this complexity, and every single Member of the Senate knows that. This deserves thoughtful, serious consideration, which it has not received tonight.

We should reject this amendment. I urge the Members of the Senate to do so.

The PRESIDING OFFICER. All time has expired.

Mr. DURENBERGER. Mr. President, I move to table the amendment.

Mr. MITCHELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota, Mr. DURENBERGER, to table the amendment of the Senator from Utah [Mr. HATCH]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arizona [Mr. DECONCINI], the Senator from Iowa [Mr. HARKIN], and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from North Carolina [Mr. HELMS], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. GORTON] would vote "nay."

The result was announced—yeas 55, nays 37, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—55

Adams	Hatfield	Pell
Akaka	Heflin	Pryor
Biden	Inouye	Reid
Bradley	Jeffords	Riegle
Bryan	Kassebaum	Robb
Burdick	Kasten	Roth
Chafee	Kennedy	Rudman
Cohen	Kerry	Sarbanes
Conrad	Kohl	Shelby
Cranston	Lautenberg	Simon
D'Amato	Leahy	Smith
Daschle	Levin	Specter
Dixon	Lieberman	Stevens
Dodd	Metzenbaum	Warner
Durenberger	Mikulski	Wellstone
Ford	Mitchell	Wirth
Fowler	Moynihan	Wofford
Glenn	Murkowski	
Graham	Nunn	

NAYS—37

Baucus	Dole	McConnell
Bentsen	Domenici	Nickles
Bingaman	Exon	Pressler
Boren	Gore	Rockefeller
Breaux	Gramm	Sanford
Brown	Grassley	Sasser
Bumpers	Hatch	Seymour
Burns	Hollings	Simpson
Byrd	Johnston	Symms
Coats	Lott	Thurmond
Cochran	Lugar	Wallop
Craig	Mack	
Danforth	McCain	

NOT VOTING—8

Bond	Gorton	Kerrey
DeConcini	Harkin	Packwood
Garn	Helms	

So the motion to lay on the table the amendment (No. 1480) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1479

(Purpose: To enhance educational opportunity, increase school attendance, and promote self-sufficiency among welfare recipients)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DASCHLE). The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] for himself, Mr. KASTEN, Mr. SMITH, Mr. D'AMATO, Mr. COATS, Mr. SYMMS, Mr. THURMOND, Mr. HELMS and Mr. WALLOP, proposes an amendment numbered 1479.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following new section:

SEC. . STATE OPTION TO ESTABLISH LEARNFARE PROGRAMS.—Section 402(a) of the Social Security Act is amended—

(1) by striking out "and" after paragraph (44);

(2) by striking out the period at the end of paragraph (45) and inserting in lieu thereof "and;" and

(3) by adding at the end thereof the following new paragraph:

"(46) at the option of the State, provide that the needs of an individual will not be taken into consideration (or will be taken into consideration only in part) under paragraph (7) for any month if such individual—

"(A) is over the age specified in the applicable State compulsory school attendance law at which a child must begin to attend school, but under the age of 16; and

"(B) has, as determined by the State agency, failed without good cause to regularly attend an elementary, secondary, vocational school, or other appropriate school:

but if the needs of an individual are not considered (or are considered only in part) by reason of this paragraph, he shall still be considered to be receiving aid under this part for purposes of determining the eligibility for such aid of any other individual to whom paragraph (7) applies, and for purposes of determining eligibility for medical assistance under the State's plan approved under title XIX."

Mr. KENNEDY. Mr. President, I look forward to the debate on the Nickles amendment. I thought we were going to, at this time, at the conclusion of the vote, have the leaders make a unanimous-consent proposition. So I suggest the absence of a quorum.

Mr. DOLE. Will the Senator withhold for 1 minute?

Mr. KENNEDY. Sure.

Mr. DOLE. Mr. President, if I might proceed out of order for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT TO THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 250) to make a minority party appointment to the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Is the objection to the immediate consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, I am delighted to be able to recommend the appointment of the distinguished Senator from Pennsylvania, Senator SPECTER, to the Senate Banking Committee. As we all know, this is an extremely important committee which touches the lives of virtually every American.

It is also a committee that touches on issues of great importance to the citizens of Pennsylvania—addressing such major concerns as the health of our financial institutions and our housing and transit policies.

Last session, the challenges facing the committee were great with the passage of the banking reform bill and the transit provisions contained in the 1991 highway bill. The challenges facing the

committee this year are no less daunting.

As we all know, the distinguished senior Senator from Pennsylvania brings an impressive record of public service and legislative skill to the committee, where he is sure to continue in the outstanding tradition of our late colleague John Heinz, who served with great distinction on this committee.

We can be sure that as a member of the Banking Committee, the Commonwealth of Pennsylvania, the U.S. Senate, and the American people will benefit even more from the wisdom, determination, and hard work of Senator SPECTER.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (No. 250) was agreed to, as follows:

#### S. RES. 250

*Resolved*, That the following Senator shall be added to the minority party's membership on the Committee on Banking, Housing, and Urban Affairs for the One Hundred Second Congress:

Mr. Specter.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### STRENGTHENING EDUCATION FOR AMERICAN FAMILIES ACT

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, and Members of the Senate, I will momentarily propound a request for unanimous consent to identify the remaining amendments to the bill, the days on which they will be offered and debated, and then the day on which they will be voted.

The staffs on both the majority and minority side have been working at this throughout the evening and if this agreement is approved as contemplated, there will be no further roll-call votes this evening. The Senate will be in session and debating amendments to the bill tomorrow, that is Friday, and again on Monday, and the votes will occur on all of the amendments and on final passage on Tuesday.

I expect to propound the agreement shortly. So any Senator who has an interest should remain on the floor.

I thank the managers, Senator KENNEDY and Senator HATCH, for their diligence and cooperation, along with their staffs, in putting this together, and hope that we will be able to get this agreement shortly.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I know that the pending business is the amendment of Senator NICKLES. We have another amendment that will only take a few moments, and so I will ask unanimous consent that we temporarily set that aside while we consider the amendment of the Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request made by the distinguished Senator from Massachusetts? Hearing none, it is so ordered. The amendment is set aside.

Mr. WELLSTONE. I thank the Chair. I thank the Senator from Massachusetts.

#### AMENDMENT NO. 1481

(Purpose: To state the sense of the Senate regarding the introduction of the Peace Corps into the successor republics of the former Union of Soviet Socialist Republics)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] for himself, Mr. PELL, and Mr. DODD, proposes an amendment numbered 1481.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2 of the Committee amendment, in the table of contents, strike the items relating to title III of the amendment and insert the following:

#### TITLE III—PEACE CORPS

Sec. 301. Findings.

Sec. 302. Sense of the Senate.

#### TITLE IV—DEFINITIONS

Sec. 401. Definitions.

In title III of the Committee amendment, strike the title heading and all that follows through "SEC. 301. DEFINITIONS," and insert the following:

#### TITLE III—PEACE CORPS

##### SEC. 301. FINDINGS.

The Senate finds that—

(1) the Peace Corps Act stated that the Peace Corps was established—

(A) to help the people of interested countries and areas to meet their needs for trained manpower;

(B) to help promote a better understanding of Americans on the part of the people served; and

(C) to help promote a better understanding of other peoples on the part of Americans;

(2) the former Union of Soviet Socialist Republics no longer exists, and in its place a Commonwealth of Independent States has been established, along with other newly independent republics;

(3) on December 25, 1991, President Bush indicated the United States intends to extend diplomatic recognition to Moldova, Turkmenistan, Azerbaijan, Tadjikistan, Georgia, and Uzbekistan, when the United States reaches agreements with each republic regarding human rights, democratization, economic reform, and the establishment of responsible security policies;

(4) on December 25, 1991, the United States extended formal diplomatic recognition to Russia, Ukraine, Armenia, Kazakhstan, Byelorussia, and Kyrgyzstan;

(5) the needs of the successor republics of the former Union of Soviet Socialist Republics for technical and humanitarian assistance are dire, and growing daily;

(6) the governments of several republics under the former Union of Soviet Socialist Republics have indicated interest in receiving public and private technical assistance from the United States in the areas of agriculture, health care, business, education, and other areas;

(7) the Peace Corps has in recent years successfully met the challenges of assisting the Eastern European states of Poland, Hungary, Czechoslovakia, Bulgaria, and Romania, and has already begun to assess the needs of the Baltic Republics and of the former Soviet republics for such assistance;

(8) Peace Corps volunteers represent tangible support on the part of the American people for the efforts of the republics to establish market economies, democratic institutions, and low-cost, effective programs of technical assistance in the areas described in paragraph (6); and

(9) the President has indicated his support for the introduction of Peace Corps volunteers into the successor republics of the former Union of Soviet Socialist Republics.

#### SEC. 302. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the Peace Corps should move promptly and effectively to assess needs and establish programs in each of the republics of the former Union of Soviet Socialist Republics into which the Peace Corps has been or may be invited, in order to introduce appropriate numbers of Peace Corps volunteers into republics requesting assistance; and

(2) the President should continue to support and should accelerate the introduction of Peace Corps volunteers into the republics of the former Union of Soviet Socialist Republics.

#### TITLE IV—DEFINITIONS

##### SEC. 401. DEFINITIONS.

Mr. WELLSTONE. Mr. President, I also ask unanimous consent that the Senator from Rhode Island [Mr. PELL] and the Senator from Connecticut [Mr. DODD] be listed as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I will be very brief. It is very poignant to me that 30 years ago, Sargent Shriver said our Peace Corps would eventually be ambassadors throughout the world, even in eastern Europe and what used to be the Soviet Union. Many of them, I would also point out, are involved in education and teaching.

Mr. President, I spent 2 weeks in what used to be the Soviet Union. This was my father's country. I think this sense-of-the-Senate amendment is very important, and it calls upon the President to not only certainly make the



commitment of sending the Peace Corps to the new republics but to really accelerate that process.

Mr. President, it is late at night. I speak with some sense of urgency, and I hope that our country will not sleepwalk through this history, and we will find a variety of ways of providing assistance to the people in that part of the world at what I realize is a critical point in the world's history. This is but one small step.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the Senator for the recommendation and suggestion. I think it has the support of several of our Members who served in the Peace Corps, and I think it is a very useful and important reminder of what this Nation is about.

I congratulate the Senator and hope the Senate will accept the amendment.

Mrs. KASSEBAUM. Mr. President, we certainly agree on this side of the aisle, and there is no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 1481) was agreed to.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following lists of amendments that I will send to the desk be the only remaining first-degree amendments in order to this bill; that any perfecting amendment must be relevant to the amendment to which it is offered; that no motion to recommit be in order; that no vote occur in relation to this bill or amendments thereto prior to 2:15 p.m. on Tuesday, January 28; that any amendment included in this list may only be offered if the amendment is offered during the sessions of the Senate on Friday, January 24, or from 12 noon until 3 p.m. on Monday, January 27.

The PRESIDING OFFICER. Is there any objection?

Mr. BRADLEY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. I have not heard the lists. Is my amendment in the list?

Mr. MITCHELL. There is a "Limits funds for State administrative purposes" on the list.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

The text of the agreement follows:

*Ordered*, That the following listed amendments be the only remaining amendments in order to S. 2, the Education Bill.

*Ordered further*, That any perfecting amendment must be relevant to the amendment to which it is offered.

*Ordered further*, That no motion to recommit be in order.

*Ordered further*, That no vote occur in relation to this bill or amendments thereto prior to 2:15 p.m. on Tuesday, January 28, 1992.

*Ordered further*, That any amendment included in this list may only be offered if the amendment is offered during the sessions of the Senate on Friday, January 24, 1992, or between 12 noon and 3:00 p.m. on Monday, January 27, 1992.

Bradley: Limits funds for state administrative purposes.

Bond: Regarding parents as teachers.

Conrad: Academic and vocational programs.

Craig: Regarding PC speech.

Dole: Regarding choice.

Dole: Regarding waiver authority.

Domenici: Regarding alternative certification as per the President.

Domenici: Regarding choice applied across the board as per the President's request.

Durenberger: Regarding charter schools.

Glenn: Summer residential science academies.

Hatfield: Regarding Elementary Science Facilities Act.

Kennedy: Relating to America 2000 and Neighborhood Schools Improvement Act.

Managers Package—

McCain: Regarding limited English proficient children.

Metzenbaum: Regarding local tax abatement.

Nickles: Regarding learn fare.

Nunn/Breaux: Regarding youth apprenticeships.

Seymour: Regarding alternative teacher certification.

Seymour: Regarding drug education.

Seymour: Regarding expansion of follow-through programs.

Seymour: Regarding accountability on administrative costs.

Seymour: Regarding school accountability for education demonstration projects.

Seymour: Regarding mandatory parental involvement for choice programs.

Wirth/Wellstone: Regarding education and budget.

#### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President and Members of the Senate, there will be no further rollcall votes this evening, and there will not be any rollcall votes until 2:15 p.m. on next Tuesday.

What will occur now is that the lists of amendments—and they are broken down by party—will be incorporated by reference into this agreement and printed in the RECORD tomorrow. The staffs are working with the Senators who have amendments on the list.

Senators should understand that they must be present during the session of the Senate tomorrow or between noon and 3 p.m. on Monday to offer their amendments and to debate their amendments. Any amendment not offered within that time will not be in order to be offered to this bill.

On Tuesday, at 2:15 p.m., it is my intention that the Senate will vote on those amendments on the lists which are offered between now and then, which are debated, and on which votes will be necessary. And then we will proceed promptly to final passage of the bill.

Under an unrelated prior agreement, the cable TV bill is to be laid down on Monday at 3 p.m., for purposes only of

laying down the bill and opening statements. There will be no motions or amendments to that.

That agreement contemplated completion of this bill, but it is my expectation and that of our colleagues we will proceed to lay down that bill on Monday at 3 p.m.

That is the cable TV bill, although there will be no amendments or motions made at that time. We will then proceed to the cable TV bill on Tuesday. It will be open for substantive amendment then to be offered.

So to summarize and repeat, there will be no rollcall votes tonight or tomorrow or Monday. There will be rollcall votes beginning at 2:15 p.m. on Tuesday, and it is likely there will be several votes at that time. Senators should make certain to adjust their schedules to be present at that time.

The amendments which are included on the list which I have sent to the desk, which will be published in the RECORD, which are now available at the desk, must be offered either tomorrow during the session of the Senate or Monday between 12 noon and 3 p.m.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### START: THE IMPERATIVE OF DEEPER CUTS

Mr. BIDEN. Mr. President, yesterday the CIA Director gave testimony that perfectly embodied the cliché about good news and bad. According to Director Gates, the threat to the West of attack by Soviet forces has evaporated, but the Soviet empire's collapse has spawned a new nuclear threat.

This threat is twofold. First is the danger that warheads from this vast, widely dispersed nuclear arsenal could fall into the hands of radical groups or governments, either through seizure or sale. The second risk arises from the knowledge that lies behind that arsenal; it is that erstwhile Soviet scientists could make their expertise available on the world market to the highest rogue-state bidder.

Responding to this new threat is not beyond our wit, and certainly it is our job. Indeed, I commend the senior Sen-

ator from Georgia, the chairman of the Armed Services Committee, for valuable proposals concerning each aspect of the threat.

Last November, I supported Senator NUNN as he advanced a proposal to allocate \$400 million from the Defense budget to assist in the secure and prompt dismantlement of Soviet warheads already pledged for elimination. That initiative responded to the first aspect of the new nuclear threat, and I am pleased that the Bush administration eventually accepted the Nunn proposal. We will now see whether the administration will use available funds to create an effective program of weapons destruction.

Yesterday Senator NUNN offered another timely idea, directed toward the second aspect of the new threat. He proposed that some of the \$400 million be allocated to hire former Soviet scientists with nuclear expertise. This should be done, and without delay.

Given the exchange rate of the ruble, we could, as my colleague from Georgia pointed out, pay to employ a considerable number of nuclear scientists for a relatively tiny amount of money. Considering the threat of nukes-on-the-loose, this could be described as a sound way to stop a lot of big bangs for a buck.

If implemented, Senator NUNN's two concepts will help defuse the nuclear threat resulting from Soviet collapse. But still another component of our policy is absolutely necessary, and not yet in place. We must do more than dismantle Soviet weapons already pledged for removal. We must seek to disarm the maximum feasible number of Soviet weapons.

As yet, the White House has no known policy prescription geared to this objective. Even if we help to dismantle some weapons from the Soviet arsenal, and even if we succeed in supporting the employment of key Soviet scientists, where will that leave us?

Certainly the START Treaty signed last year does not provide an adequate answer. In its current form, the START Treaty may be valuable for its verification procedures, but it is numerically obsolete.

Two tasks lie ahead if we are to bring the START Treaty into line with geopolitical developments of the past 6 months. First, we must know this: Who is responsible for the treaty's obligations? Second, we must ask: How can the treaty be altered, or built-upon, to realize the full opportunity arising from the end of the cold war?

The Bush administration, having undertaken to answer the first of these questions, has requested that the Senate suspend ratification proceedings temporarily.

One potential solution lies in a set of side agreements whereby Belarus, Ukraine, and Kazakhstan would give Russia the authority to act as their

agent with respect to START, so that the Treaty remains a Washington-Moscow accord supported by side agreements enabling Moscow to fulfill the obligations of all four republics. I hope this can be accomplished quickly.

But even if all legal complexities are resolved, the larger question will remain: How to make the treaty relevant to current dangers and opportunities. Assuming Russia is acting as the successor state for purposes of the START Treaty, why should we now codify Russia's right to have 8,000 nuclear warheads? We want those levels far lower, and we cannot expect to get them there simply by calling for unilateral Russian disarmament.

Although I am not surprised, I am nonetheless troubled that our defense intellectuals are now feverishly searching for new rationales for nuclear weapons. And I am here today to pledge my total opposition to any such effort, and for a compelling national security reason.

If we try to preserve a large arsenal of intercontinental missiles directed against newly inflated Third World threats for which nuclear weapons are totally irrelevant, we will in the process fail to accomplish our paramount objective, which is to achieve prompt and massive reductions in the Soviet nuclear arsenal.

We would also, I might add, give fuel to the fire of nuclear proliferation. For it the United States is intent, even after the cold war's demise, on maintaining a major nuclear arsenal, we will yield any hope of exercising leadership in the worldwide battle against proliferation.

It is thus high time for the Bush administration to focus on the most pressing question of the new nuclear age: Just how low can we safely go? The burden of proof is now on the President to explain why we cannot now reduce the American arsenal, assuming the former Soviet republics follow suit, to a level on the order of 1,000 warheads.

Assuming legal obligations are resolved, this numerical issue will soon be joined during the Senate debate on START ratification. I do not intend to hold up or jeopardize this treaty. But if the nuclear-armed republics appear willing to accept substantially lower levels, I do intend to propose two treaty amendments:

First, the first would have the effect of codifying those lower levels immediately; and

Second, the second would require what the treaty does not now require, which is the full destruction of every warhead removed from a missile eliminated by START.

Events, Mr. President, have brought us to a critical moment in which new dangers can propel us toward long-deferred goals. We must seize the opportunity, when our leverage has never

been greater and may never be so strong again, to spur the former Soviet republics to accept the goal of a world in which nuclear weapons play a minimal role and present a minimal danger.

And we must preempt the tendency of our own nuclear theologians to invent new and fanciful rationales for a large American arsenal.

To approve START without amendment not only risks losing the chance to cut deeply into the Soviet arsenal. It could also afford the Pentagon a dangerous interval in which to erect a new doctrinal bulwark against the deep cuts now possible in our own arsenal.

Accordingly, I intend to use the START ratification process to apply maximum downward pressure on the arsenals of both sides. Even more crucial than the money we would save ourselves is the goal of destroying as many Russian missiles as possible as soon as possible. Now is the time to focus American national security policy squarely on that objective.

#### OUR NATION'S ECONOMIC HEALTH

Mr. PELL. Mr. President, it is essential in my view that the Congress act promptly and decisively in the coming months to restore our Nation's economic health.

There is little question that we do indeed have a serious economic problem. Unemployment has continued to climb nationally to 7.1 percent in December. Rhode Island is suffering from one of the highest jobless rates in the Nation—9.9 percent in November. That means that of every 10 Rhode Islanders who want a job, 1 is jobless. Every day we read of new announcements by major corporations of their plans to reduce their work forces by tens of thousands of jobs. Individual and business bankruptcy filings continue to soar.

The recession and economic stagnation also have taken a heavy toll on financial institutions and on State and local governments. Commercial banks and savings institutions are staggering under the burden of loans gone sour and lack of investment opportunities.

As government revenues slump with the economy and the demands for essential safety net services rise, our State and local governments are facing large budget deficits, forcing both tax increases and reductions in basic state and local government services.

For far too long, as these conditions developed and grew steadily worse, we have been confronted with denial and delay—denial that there is any problem and delay in agreeing to take action to restore economic health. As late as a month ago, the administration was insisting that the recession was long over and that no economic policy changes were justified.

Mr. President, the time has now passed for denial and for delay. It is time now for realism and for action.



In the coming weeks we will be hearing a variety of proposals for changes in economic policy. Indeed, the distinguished majority leader, Senator MITCHELL, outlined his proposals for an economic recovery program in an address last week and the distinguished senior Senator from Massachusetts [Mr. KENNEDY] has put forward proposals. I am encouraged by indications from the White House that President Bush in his State of the Union Address next week will recognize the facts of our economic life and offer proposals for economic revival.

I look forward to hearing the President's proposals, and I intend to give them careful consideration.

I hope the President will include several basic elements in his proposals.

First, I believe the Budget Compromise Agreement of 1990, by which we are still bound, should be discarded or drastically revised. That budget agreement was entered into before the economic recession struck, and before the collapse of the Soviet Union and the military threat that it posed to the United States. The budget agreement is badly outdated. It does not recognize the new defense and military realities of the world, nor the economic reality confronting us.

The budget agreement makes it impossible to use the savings from cuts in defense spending on urgently needed nondefense spending programs. And yet, that is precisely what we should be doing. Money that is no longer required for national defense should be made available for such high-priority programs as extended unemployment compensation payments for those who have been without jobs for many, many months; and for increased job-producing investments in our economy, to meet the transportation, water supply and public works needs of the Nation.

We should also make changes in our tax system to stimulate the economy, restore consumer confidence, and encourage investment. In my view these tax changes should include repeal of the ill-considered luxury excise taxes imposed on new boats and on expensive jewelry. The luxury tax has imposed no hardship on the wealthy, who simply stopped buying these items. Instead it has devastated the boatbuilding in Rhode Island and across the Nation, and undermined the jewelry industry, another important Rhode Island industry.

I would like to see tax relief for middle income Americans, and I think we should provide a lower tax rate on capital gains income, provided that this reduction is part of a tax package that is fair to all income levels. A capital gains tax cut in that context will restore home values for American families as well as encourage job-producing investment.

For the longer range, I believe our economic recovery program should in-

clude increased investment in the education and job training programs that provide an essential foundation for our economic future.

I look forward to debate and discussion of the new economic policy proposals. I hope that to the greatest extent possible we can avoid purely partisan wrangling on the economic program in the coming months. I hope instead that we can be guided by a willingness to compromise and to act promptly to promote economic recovery. And in that regard I particularly hope that the administration will seek a consensus among the majority of the House and the Senate. In the interests of the American people I hope we will see real efforts at conciliation, compromise and agreement, and that action on economic recovery will not become bogged down in fruitless confrontation, veto threats and brinkmanship.

The confidence of the American people in the Congress, in their Government, and in our economy can be restored by prompt, responsible action on an economic recovery program. I look forward to being a part of that effort.

#### COMPETITIVE IN THE GLOBAL MARKET

Mr. WOFFORD. Mr. President, in a recent speech, Yoshio Sakurachi, Japan's Speaker of the House, characterized the American workers as "lazy" and "illiterate," concluding that because of these qualities, America is not competitive in the global market. Mr. President, every Member of this body would take issue with Mr. Sakurachi.

As the former Secretary of Labor and Industry for the Commonwealth of Pennsylvania, I would like to give the facts to Mr. Sakurachi. In 1990, the average gross domestic product [GDP] of the Japanese worker was only 76.3 percent of that of the average American worker. During the past 10 years, output per hour in the United States has grown at about the same rate as in Japan. Since 1985, unit labor costs in manufacturing have decreased slightly in the United States, while in Japan these costs have increased by 63 percent. And productivity in the steel industry, integral to the Pennsylvania economy, is equal to that of Japan and better than that of Germany.

Working people in Pennsylvania and across the Nation are the lifeblood of our economy—and the most productive in the world. The economic problems our Nation is experiencing cannot be laid at the feet of our labor force. No one can be productive when he or she doesn't have a job.

We all recognize that to continue to compete in the world we must expand our education and job training programs in order to prepare our work force to hold the jobs of the future. We have to make the investments that will

keep growth industries in America. And, we have to make sure that American goods are traded in a global market that's fair, in which nations compete on a level playing field.

It is time for us in Congress to rise to these challenges. Many of policy choices we need to examine were discussed by my friend and colleague from Connecticut, Senator LIEBERMAN, in the New York Times yesterday and on the Senate floor this morning. I look forward to working with him and with the rest of our colleagues to chart a course for the next American century.

In a changing world, we all have to decide how best to capitalize on stunning advances in technology and an increasingly global market, but as we grapple with these issues, let's not blame our working men and women for our problems. They are our greatest asset, and they remain, as ever, eager to roll up their sleeves and get down to work.

#### RETIREMENT OF ADOREEN MCCORMICK

Mr. PELL. Mr. President, as chairman of the Joint Committee on the Library, I take special pleasure in paying tribute to Adoreen McCormick, who retired on December 31, 1991, from her position as legislative liaison officer for the Library of Congress after 33 years of public service.

As legislative liaison officer, Miss McCormick became widely known and respected on Capitol Hill as an effective, highly competent agent to the Library who could always be relied upon to solve problems and provide information quickly. She supplied much of the information and guidance needed for the Joint Committee on the Library to perform our oversight responsibilities and to support the Library programs and services.

Miss McCormick came to Washington, DC, in 1958 from Billings, MT, to work on a master's degree in government at Georgetown University. It was the Library of Congress' good fortune, and ours, that she also came looking for employment. She began her Library of Congress career as a GS-4 information and editorial assistant in the Information and Publications Office. In 1961, Librarian of Congress Quincy Mumford awarded her the first of the many outstanding performance ratings which she would receive for her distinguished service to the Library of Congress.

Perhaps in part because of the obvious affection in which she was held and the fact that her career at the Library seemed to be on track, Miss McCormick elected to stay in Washington and not to return to Montana after receiving her M.A. from Georgetown in 1962. She advanced rapidly and was promoted to successively responsible positions as publications writer, adminis-

trative secretary and editorial specialist, and special assistant for public relations.

In 1966 she was named Library of Congress legislative liaison officer—the position which she held for the past 25 years. As the Library's first legislative liaison officer she literally defined what that position meant. She brought many special qualities to the job, not the least of which were her dedication to the Library and her knowledge not only of the Library of Congress but the wider library community. These were combined with an unfailing political acumen and a natural instinct for dealing with people and issues, all of which contributed to her success in managing the complexities of the Library's association with its parent, the Congress. She was always willing to give of her time and expertise, and often working long hours to enable the Library to meet its commitments.

Miss McCormick comes from a family of four sisters and one brother. She learned at home at an early age that Government service is an honored profession. Her father, Walter McCormick, served with the Bureau of Reclamation and on the wartime Manhattan project. The values which she learned at home and from her church clearly have contributed greatly to her success.

Miss McCormick is a graduate of Seton Hall and Georgetown Universities. The Jesuits trained her well. Her intellectual acuity and wit reflect the impact of the Jesuit tradition, which found particular expression in her gift at writing. Many of the words which have been spoken on behalf of the Library of Congress before congressional committees have originated with Miss McCormick's drafts.

She has always been a gracious presence at social events sponsored by the Library. Miss McCormick knows well that often the most important business in Washington is conducted at social events and her presence at a Library function always assured that those in attendance would be cordially welcomed into the spirit of the occasion.

In recognition of her extraordinary contributions to the Library of Congress, the Congress, and the American library community during over three decades of dedicated service, Miss McCormick was presented with the Distinguished Service Award, the Library of Congress' highest honor.

Miss McCormick leaves to serve the other institution that has played a major role in her life, her church. Now it has claimed her full time and we let her go with the confidence that she will always remain a part of the Library of Congress family. But we will miss her plain spoken good humor, her wisdom and above all the integrity and dedication she brought to her job. I am sure my colleagues join me in thanking Adoreen McCormick for her distinguished service to the legislative

branch of Government. We wish her well in her new endeavors.

#### NEW INCREMENTAL INVESTMENT TAX CREDIT PROPOSAL

Mr. ROTH. Mr. President, last year, on October 15, I introduced a proposal for an incremental investment tax credit, S. 1831. My bill was closely followed in the House when H.R. 3810 was introduced on November 19 by Congressmen GUARINI and LEVIN on the Ways and Means Committee. Both of these Members are Democrats, so in a way, I feel that we already have a bipartisan effort for a new, permanent, incremental investment tax credit.

But I am interested in going further. I am in the process of developing a new, more detailed incremental investment tax credit bill, and I would like to invite my colleagues in the Senate, particularly the Finance Committee, to work with me to develop and pass this encouraging new idea that was first brought to my attention by a leading Democrat, and chief economist at the World Bank, Larry Summers. Other economists have commented on the idea, including Dr. Martin Feldstein, former chairman of President Reagan's Council of Economic Advisers, who supports the incremental approach.

Michael Boskin, the current chairman of the President's Council of Economic Advisers, has not taken a position on the idea but indicated during Senate finance hearings on December 12 that he thought the history on the investment tax credit showed that it had been effective. He also said that he thought, "It might be preferable to have it on an incremental basis rather than for all \*\*\* investment," the way the old credit applied.

That is what I am proposing to do. I believe an incremental investment tax credit provides a strong economic incentive for business to invest in their future, while doing it at a relatively low cost to the Government. It also helps reduce the argument that the credit provides a tax benefit for something that business would have done anyway, because it requires business to increase their investment over and above what they have historically invested.

Let me remind my colleagues of the fact that in Japan, where the economy is just over one-half that of the United States, they are investing more in absolute dollar amounts than is the United States. In 1990, Japan's nonresidential fixed investment equaled \$675 billion, while the comparable United States figure was only \$524 billion, with a gross domestic product [GDP] equal to about twice that of Japan. If we really want to do something for competitiveness, I believe that is an important place to start.

I have asked the staff of the Joint Committee on Taxation to work with me, and have invited the staffs of the minority and majority sides of the Finance Committee to join in the discussions, and I believe that in the very near future, probably the next 3 weeks, we will have a proposal, with bipartisan support in the Finance Committee that will be affordable and most of all growth oriented.

The proposal will be for a permanent incremental investment tax credit, and it will apply to most kinds of business property, so that Government does not find itself in a position of dictating to business what kind of property they should invest in to become more competitive. In addition, the bill is likely to have a more generous and simplified method for small and medium businesses and tough antiabuse rules so that big business does not take advantage of the benefits of this proposal without real improvement in their investment in equipment.

For small businesses, the simplified method will likely allow a business to add 5 years of asset purchases together and divide by 5 to arrive at a base. For example, if a business bought 100 dollars' worth of new property every year for the last 5 years, their base would be \$100 times 5, divided by 5, or \$100. If they spent \$150 in the next year, the credit would be \$150 less the \$100 base amount, or \$50 times the 10 percent credit, or \$5. In addition, I would suggest using a higher credit percentage in the first year to help get this economy going in the next few months.

I hope that the administration will consider similar legislation in their budget proposal for this year—I'm encouraged that they might do so. And I hope that my colleagues in the Senate will join me in the coming days in introducing this new idea to improve our country's competitive position and improve our current economic state.

#### APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the Senator from Nebraska [Mr. KERREY] to the Select Committee on Intelligence, in lieu of the Senator from Georgia [Mr. NUNN].

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

#### EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President as if in executive session, I ask unanimous consent that the Senate proceed to consideration of Executive Calendar 483, Kenny Jackson Williams to be a



member of the National Foundation on the Arts and the Humanities; that any statements be placed in the RECORD as if read; that the nominee be confirmed; that the motion to reconsider be tabled; and that the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was confirmed as follows:

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Kenny Jackson Williams, of North Carolina, to be a member of the National Council on the Humanities for a term expiring January 26, 1996, vice Mary Josephine Conrad Cresimore, term expired.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

Mr. GRAHAM:

S. 2151. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of a principal residence by a first-time home buyer; to the Committee on Finance.

S. 2152. A bill to amend the Internal Revenue Code of 1986 to allow distributions from retirement plans to be used without penalty for purchase of a first home; to the Committee on Finance.

S. 2153. A bill to authorize guarantees of loans to finance purchases of Resolution Trust Corporation property; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MACK:

S. 2154. A bill to authorize the Secretary of Transportation to carry out a highway demonstration project for construction of a bridge to replace the Fuller Warren Bridge in Jacksonville, Florida; to the Committee on Environment and Public Works.

Mr. LUGAR:

S. 2155. A bill to suspend temporarily the duty on foxilan; to the Committee on Finance.

Mr. GRAHAM:

S. 2156. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Environment and Public Works.

Mr. CRANSTON:

S. 2157. A bill to limit the provision of United States foreign assistance, including security assistance, to developing countries

whose military expenditures do not exceed more than 3.6 percent of their gross national product; to the Committee on Foreign Relations.

Mr. GRAHAM:

S. 2158. A bill to require the Office of Management and Budget to monitor all federally funded building construction projects and report to the President and Congress quarterly on any such project that is behind its construction completion schedules; to the Committee on Governmental Affairs.

Mr. BOREN:

S. 2159. A bill to amend the Internal Revenue Code of 1986 to stimulate economic growth and long-term competitiveness in the United States by providing middle-income tax relief and by stimulating capital investment, and for other purposes; to the Committee on Finance.

Mr. SPECTER (for himself, Mr. LAUTENBERG, Mr. D'AMATO and Mr. SIMON):

S.J. Res. 240. A joint resolution designating March 25, 1992 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

Mr. DOLE (for himself, Mr. PRESSLER, Mr. HELMS, Mr. PELL, Mr. MCCAIN, Mr. BROWN, Mr. GORTON, Mr. D'AMATO, Mr. SEYMOUR, Mr. DIXON, Mr. JOHNSTON, Mr. RIEGLE, Mr. HATCH, Mr. WALLOP, Mr. GLENN, Mr. BREAUX, Mr. GORE, Mr. GARN, Mr. LIEBERMAN, Mr. SPECTER, Mr. MACK, Mr. WOFFORD, Mr. NICKLES, Mr. THURMOND, Mr. ROTH, Mr. KASTEN, Mr. HARKIN, Mr. SYMMS, Mr. WARNER, and Mr. KOHL):

S. Res. 246. A resolution on the recognition of Croatia and Slovenia; to the Committee on Foreign Relations.

Mr. GRAHAM:

S. Res. 247. A resolution relating to capital standards for depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURENBERGER (for himself, Mr. DODD, Mr. LUGAR, Mr. PELL, Mr. DOLE, Mr. MITCHELL, Mr. CRANSTON, Mrs. KASSEBAUM, Mr. SANFORD, Mr. MCCAIN, Mr. ROBB, and Mr. LEAHY):

S. Res. 248. A resolution expressing the sense of the Senate regarding the signing on January 16, 1992, of the agreements for a formal cease-fire in El Salvador, and for other purposes; to the Committee on Foreign Relations.

Mr. D'AMATO (for himself, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. SPECTER, and Mr. COHEN):

S. Res. 249. A resolution expressing the sense of the Senate that the United States should seek a final and conclusive account of the whereabouts and definitive fate of Raoul Wallenberg; to the Committee on Foreign Relations.

Mr. DOLE:

S. Res. 250. A resolution to make a minority appointment to the Committee on Banking, Housing, and Urban Affairs.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM:

S. 2151. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of a principal residence by a first-time homebuyer; to the Committee on Finance.

S. 2152. A bill to amend the Internal Revenue Code of 1986 to allow distributions from retirement plans to be used without penalty for purchase of a first home; to the Committee on Finance.

S. 2153. A bill to authorize guarantees of loans to finance purchases of Resolution Trust Corporation property; to the Committee on Banking, Housing, and Urban Affairs.

S. 2156. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Environment and Public Works.

S. 2158. A bill to require the Office of Management and Budget to monitor all federally funded building construction projects and report to the President and Congress quarterly on any such project that is behind its construction completion schedules; to the Committee on Governmental Affairs.

#### ECONOMIC RECOVERY

Mr. GRAHAM. Mr. President, one of the advantages of the opportunity that we have just had to return to our States for an extended period of time is the chance to engage many of our citizens in a discussion of the issues that are of greatest concern to them. I can report from my State of Florida that there is a strong consensus and that is that the issue facing our people in the winter of 1992 is the economy. In my adult life I have never seen so many Floridians who not only were hurting immediately because of the loss of employment, but also were concerned about the future of their jobs, concerned about the future of their families, their community, their State and Nation.

From all of this discussion, Mr. President, I have concluded that this Congress, this Federal Government has a responsibility. A significant part of that responsibility is going to focus on an agenda to rebuild America's economic strength, our ability to compete into the 21st century. That is an important long-term commitment of America, its people and its leadership.

But there is another more immediate challenge and that is what can be done, Mr. President, in order to assist in lifting the economy out of its current recession. What are some things that we can do which would be likely to have impact in the next 6 to 18 months?

Yesterday, in the Senate Banking Committee, we heard from the new head of the Resolution Trust Corporation, Mr. Albert Casey. Mr. Casey, when asked what did he feel were causes of the current recession and what were the prescriptions, answered as follows:

What I see is that the economy is suffering from a lack of job creation. We bemoan and bewail the fact that we do not have consumer confidence. The reason we do not have consumer confidence, in my opinion, is the fact that the people do not feel assured of their income status. So I feel that job creation is the secret to us coming out of this situation.

I agree with that analysis. The focus of our short-term economic agenda must be on job creation, giving Americans the opportunity to get back to work and to rebuild a sense of confidence in their future.

Today, Mr. President, I am going to be introducing a series of measures which are targeted at short-term job creation and economic recovery. My goal is to avoid doing harm. The first lesson of the healing arts profession is "do no harm." In structuring these short-term economic recovery proposals, I am sensitive of the fact that we do not want to sacrifice important aspects of a longer term recovery for the immediate benefit. Therefore, for instance, I would be very leary of proposals that fractured the spending levels established in the 1990 budget agreement. It is very important to our long-term well-being that we commit ourselves and sustain that commitment to a plan that has as its objective lowering the Federal budget deficit.

So within that general cautionary note, I would propose the following initiatives. The first set of initiatives are focused on housing. Housing has traditionally been one of the areas that has led America out of recessions. It is a major job creator directly, and in terms of the products that new home then generates.

America is not building enough housing today in order to meet the combination of obsolescence of our existing housing stock and the housing demand created by new families. We are facing a serious erosion of the American dream of the opportunity for home ownership, a quality home in a good neighborhood.

The Federal Reserve Board has given some encouragement to this by its recent monetary policy, in the reduction of interest rates. I believe that we should go beyond that, however, and therefore I am proposing that we provide a \$2,000 tax credit for first-time homebuyers and that we open an individual retirement accounts to allow, without penalty, funds to be spent for purposes of first time home acquisition.

The next proposal focuses on another key area of the current economy and that is the freefall of real estate values. We have had a serious deterioration of the value of real estate across America and it has been particularly severe in certain regions of the country. One of the factors that has contributed to that has been the collapse of so many of our financial institutions, resulting in large asset pools

held by agencies such as the Resolution Trust Corporation which they have been under pressure to dispose of at increasingly fire sale prices.

I believe that a key to putting a foundation under real estate values which in turn puts a foundation under the most important investments that most Americans have, which is the investment in their home, and puts the foundation under an item that represents 25 percent of our gross national product and is fundamental to restoring the strength of our financial institutions, that one of the steps that we should take is to increase the liquidity available for acquisition of particularly distressed real estate.

Therefore, I am recommending an FHA type loan guarantee program of up to 85 percent of the loan amount for properties sold by the Resolution Trust Corporation. It is in my opinion essential that we create a larger and more stable market of purchasers for these properties if we are to avoid a further freefall of real estate values.

Next, infrastructure. We passed in November of last year a major transportation bill. It is for 6 years, running from 1992 through 1997. That bill provided for total expenditures in 1992 of approximately \$15.5 billion running up to \$21.5 billion by 1997.

I would advocate that we front-end load that transportation bill, move projects that are currently scheduled for 1995, 1996, and 1997 into the first 3 years of that cycle. The benefits of that would be, first, that we would be creating jobs now when they are most needed; and second, we would be placing State and local governments who are the principal implementers of that legislation in a position to secure the best contracts for construction that they are likely to get in the foreseeable future, and have the benefit of these transportation improvements at an earlier date.

It has been estimated that for every billion dollars of expenditure on items such as bridge rehabilitation and highway maintenance that between 50,000 and 60,000 people are put to work directly on the project and indirectly in providing the supplies and services that are necessary for that project. There are few areas of the economy, I would suggest, that have the job-creating potential and for which we have the resources available as would be in transportation.

Next, Mr. President, this Congress, as well as our counterparts at State legislatures, county and city government across America have funded substantial numbers of construction projects, projects which in many instances have not yet moved from the drawing board to actual construction.

In my own State of Florida, there is a Veterans Administration Hospital that has been authorized for the better part of 5 years, yet has not started ac-

tual construction. I believe that one of the steps that we should take is to identify and then to expedite every public project of that nature that we can, again, in order to create jobs, take the benefit of an unusually advantageous construction economy in terms of receiving good bids, and get the benefit of the facility as early as possible.

In order to assist in that spotlighted attention, I will be introducing legislation that will require the Office of Management and Budget to report quarterly on the on-time record of Federal construction projects so that members of the public and Congress can monitor how effectively we are taking advantage of this opportunity.

Finally, Mr. President, the issue of credit. Another important area for bringing America out of past recessions has been the access of consumers and businesses to credit. A small business wants to expand, to add additional employees. It goes to the local financial institution, and because it is an enterprise that has had a good track record, it is able to get that credit and make that expansion, and begin the process of lifting the community and the Nation out of the prior recession.

That is not happening in 1992. In large part, it is not happening because there has been a severe constriction of the flow of capital. I have held formal and informal hearings in various communities in our State, and the message is the same in each location: Quality loans, which a few years ago would have been competed for by financial institutions, are now being rejected.

The President will have an early opportunity to play a key role in this issue by the appointment of the next Comptroller of the Currency, the Federal Bank Regulator. I am writing to the President urging that, as he makes this important appointment, he be sensitive to the signal that that is going to send to the regulators and the regulators' community and the users of the financial service industry as to what kind of regulatory standards we are going to set.

I am not advocating that we return to the open days of the mid-1980's in the savings and loan industry. But I am advocating that we return to the prudent days of the 1960's and 1970's, prudent days that many institutions persisted in up until the late 1980's, in which reasonable loans were made, reasonable loans that had been made were continued, and a stable flow of credit was available to the American economy as the necessary fuel to an expanding job-creating base for our Nation.

Mr. President, I also will be proposing a sense-of-the-Senate resolution to Federal bank regulators particularly the Federal Reserve Board, to look again at capital standards which have been adopted in the past based on standards that are arguably no longer



relevant today, particularly as they have impacted the availability of capital for home construction and home buying.

Mr. President, I believe that these initiatives will be part of the pool of ideas from which the Nation will select for purposes of how do we stimulate our economy out of this current recession.

Mr. President, there is no challenge greater to this Congress. The people are looking to their leaders for substantive help, for actual jobs that could be created by an accelerated highway program, and they are looking for a sense of hope and direction.

Next Tuesday, we will hear from the President of the United States. I look forward with great anticipation to his remarks and to the uplift of the spirit of America which those remarks, if properly directed and if part of a bipartisan effort to adopt initiatives that are seen by the American people as being serious and substantive and constructive, could mean to a restoration of confidence of our people in their economic and personal future.

By Mr. MACK:

S. 2154. A bill to authorize the Secretary of Transportation to carry out a highway demonstration project for construction of a bridge to replace the Fuller Warren Bridge in Jacksonville, FL; to the Committee on Environment and Public Works.

#### REPLACEMENT OF FULLER WARREN BRIDGE

• Mr. MACK. Mr. President, today I introduce S. 2154, a bill to authorize the construction of a replacement bridge for the Fuller Warren Bridge in Jacksonville, FL.

Three days ago, the Florida Department of Transportation was forced to close the bridge to truck traffic due to structural problems in the 38-year-old bridge. On the following day, Florida DOT was forced to close the bridge entirely.

With this bridge closing, Interstate 95, the main route carrying traffic north-south from Florida has been effectively shut down. If you want to drive, or have your goods shipped by road to Florida from the Northeast, the Middle Atlantic States, or the Carolinas, your route has been closed. The economic impact of this single bridge closing has already been felt from Miami to Maine.

Repairs to the bridge will take approximately 2 weeks, but the structural problems will persist. What is needed is a new bridge to carry Interstate 95 over the St. Johns River in Jacksonville.

My bill will authorize a replacement bridge to be constructed to replace the current Fuller Warren Bridge under section 1103 of the newly enacted Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240). This section was created to aid in the construction of high cost bridge projects.

The current Fuller Warren Bridge, opened in 1954, is a four-lane structure with a drawbridge. A replacement bridge will have a total of eight lanes and will be elevated so a drawbridge is unnecessary. As a vital link in our interstate system, construction on this new bridge must begin soon to avoid further closures of Interstate 95 which could last longer than 2 weeks.

Before the defects were discovered, construction for the replacement bridge was scheduled to begin in 1998. However, the safety concerns warrant immediate action to fund the bridge as an emergency, with the Federal share being 80 percent of the bridge replacement costs. The Federal Government must step forward now with the funding to speed up construction of the bridge replacement.

We must not wait on the Federal bureaucracy to eventually pay for the bridge. Northeast Florida cannot wait 6 years. The safety and economic concerns are too great. The authorization for the new bridge must be granted now.

I encourage my colleagues to support the bill and hope this issue can be addressed in the near future. This issue not only affects Florida's fair share, but impacts commerce and tourism in the entire Eastern United States. •

By Mr. LUGAR:

S. 2155. A bill to suspend temporarily the duty on ioxilan; to the Committee on Finance.

#### DUTY SUSPENSION ON IOXILAN

• Mr. LUGAR. Mr. President, I rise today to introduce a bill to suspend temporarily the duty on ioxilan. I ask unanimous consent that the full text be printed in the RECORD, and that the bill be referred to the appropriate committee for review.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2155

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TEMPORARY DUTY SUSPENSION ON IOXILAN.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12 1.3-

Benzenedicarboxamide, 5-[acetyl(2,3-dihydroxypropyl)amino]-N-(2,3-dihydroxypropyl)-N-(2-hydroxyethyl)-2,4,6-triiodo- (provided for in subheading 2924.29.44)

Free	No change	No change	On or before 12/31/94"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect

to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act. •

By Mr. CRANSTON:

S. 2157. A bill to limit the provision of U.S. foreign assistance, including security assistance, to developing countries whose military expenditures do not exceed more than 3.6 percent of their gross national product; to the Committee on Foreign Relations.

#### DEVELOPING COUNTRIES DEMILITARIZATION ACT OF 1992

• Mr. CRANSTON. Mr. President, it has been said that the only thing more dangerous than an army of unemployed is an unemployed army or an army without a legitimate mission. Nowhere is this truism more correct than in the emerging democracies of the Third World.

The cold war is over. Yet this 40-year drain on world resources continues to frustrate the transition to a more just and humane world in the form of an uncurbed arms race and a resultant lack of cash to carry out needed social and economic development.

Throughout the developing world outsized armed forces whose mission, when they have one, does not justify their bloated budgets continue to drain huge sums from national treasuries in countries whose governments cannot meet basic human needs.

What's more, it is often the very existence of these institutions that present the greatest threat to democracy itself.

In a world where capital for development is becoming increasingly scarce, the continued allocation of such amounts of money and talent contributes to disease, ignorance, and misery.

Mr. President, I urge my colleagues to consider these facts:

The United Nations Development Program [UNDP] calculates Third World military expenditures for 1987 at \$173 billion, with an historic growth rate of 7.5 percent a year.

Studies by the IMF and the World Bank have found that foreign assistance to these countries both enable and encourage their governments to spend more on their armed forces.

According to the World Bank, a global decrease in military budgets to 4.5 percent of a country's gross national product—the world's average—in countries whose military expenditures currently exceed that amount would mean the freeing up of some \$140 billion for use for other purposes.

In the last two decades, several Third World countries have earmarked on an annual basis as much as 50 percent of their central government expenditures for their militaries.

One way that the United States can help these countries abandon now-destructive spending practices is to re-evaluate the criteria through which U.S. assistance is provided worldwide.

For this reason, I rise today to introduce the Developing Countries Demilitarization Act of 1992.

The bill seeks to ensure that the United States assists only those nations whose military expenditures fall to or below 3.6 percent of annual gross national product.

The 3.6-percent figure represents the amount the administration says it plans to spend on our military annually after 1995.

If the United States, with its global responsibilities, can shoulder those burdens in this cost-efficient manner, there is no reason to expect other nations whose security problems today are largely problems of development rather than weaponry to do no less.

Mr. President, let me say at the outset, that given yesterday's testimony by CIA director Robert Gates and top officials from the Pentagon, this projected 3.6 percent figure for U.S. defense spending can reasonably be expected to change.

Thus the same figure in this bill—pegged as it is to the U.S. example—should be seen as a ceiling, one which is subject to change, too, as circumstances dictate.

This bill would make it U.S. policy to work with our allies and multilateral lending institutions such as the International Bank for Reconstruction and Development and the International Monetary Fund to help ensure the future development of the Third World proceeds in a manner that will produce lasting economic growth and social harmony.

I believe that the bloated militaries of many developing nations present one of the few areas in which extensive budget cuts may be made without adversely affecting a nation's infrastructure and national well-being.

Recent statements from top officials of the International Monetary Fund had the World Bank reinforce my conviction that by reducing the level of military expenditures in these countries, tens of billions of dollars will be made available for use in other, more vital programs.

During the intense bipolar competition generated by the cold war, the world became militarized to a disastrous level. Today we have the opportunity, and the obligation, to reverse this dangerous trend, to help nations end years of economic stagnation.

If any clear reading of the mood of our country can be made today it is this: The American taxpayer does not want to continue to shell out money overseas unless it contributes to the betterment of all.

This bill can help the economies of the Third World grow, creating markets for American goods and jobs for American workers.

And by enhancing the stability of the Third World by helping those societies to demilitarize and grow, we can help

ensure that the democratization wave now sweeping the globe leaves in its wake a changed and better world.

Mr. President, I ask unanimous consent that a copy of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2157

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Developing Countries Demilitarization Act of 1992".

#### SEC. 2. POLICY.

It is the policy of the United States that no developing country whose military expenditures exceed 3.6 percent of its gross national product should be eligible for United States bilateral foreign assistance and that the United States will oppose the extension of financing or assistance by any multilateral institution to such country.

#### SEC. 3. FINDINGS.

The Congress finds that—

(1) most countries lack capital with which to develop their people's potential and their countries' resources in a way that contributes to general well-being and security;

(2) international financial institutions face similar resource limitations at a time when needs of these countries, particularly those which are lesser-developed, are growing;

(3) superpower competition and mistrust is being replaced by cooperation and collaboration on a wide range of issues, thus rendering obsolete nearly half a century of Cold War;

(4) many of the world's militaries had as a primary mission, or ostensible justification, support for the Cold War, a task that has withered into irrelevancy in the 1990s;

(5) in many developing countries, militarism or the military threat to civilian rule, are significantly enhanced by large standing armed forces that do not face a credible external threat and that do not possess a meaningful mission;

(6) these bloated militaries represent, in many countries, one of the few institutions in which budget cuts might be made and, by doing so, enhance security and well-being; and

(7) a decrease in military budgets to 4.5 percent of a country's gross national product—the world's average—in countries whose military expenditures currently exceed that amount would mean the freeing up of some \$140,000,000,000 for use in other purposes.

#### SEC. 4. ELIGIBILITY FOR UNITED STATES FOREIGN ASSISTANCE.

(a) IN GENERAL.—A developing country shall be considered eligible for foreign assistance, including security assistance, from the United States if its total expenditures on the military during the preceding year do not exceed 3.6 percent of its gross national product for that year.

(b) RULE FOR SECURITY ASSISTANCE.—for purposes of making the calculation under subsection (a), a country's request for United States security assistance shall be included in its calculation of expenditures on the military during the preceding year.

#### SEC. 5. UNITED STATES ASSISTANCE EFFORTS TO DEVELOPING COUNTRIES THROUGH MULTILATERAL ENTITIES.

The President shall—

(1) inform all United States representatives to multilateral lending and development assistance agencies and organizations,

including the International Bank for Reconstruction and Development, the International Monetary Fund, and the Inter-American Development Bank, about the policy set forth in section 2;

(2) assure that no United States funds are provided as grants, loans, or collateral, directly or indirectly, through any multilateral agency or organization, to any developing country that expends more than 3.6 percent of its gross national product on military expenditures; and

(3) consult with United States allies and, in particular, with the leadership of other Group of Seven (G-7) major industrialized countries, about United States policy set forth in section 2, and shall urge them to adopt similar policies.

#### SEC. 6. WAIVER.

The President may waive the application of this Act if he determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that to invoke the provisions section 4 or 5 would be to cause grave harm to a democratic country facing armed aggression or the threat of armed aggression from—

(1) a hostile neighboring state whose government is not democratically elected or which is guilty of a consistent pattern of gross violations of human rights; and

(2) a local insurgency whose existence presents an immediate danger to survivability of the government and which is guilty of a consistent pattern of gross violations of human rights.

#### SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) the term "developing countries" means those countries whose per capita income is \$4,300 or less;

(2) the term "Group of Seven (G-7) major industrialized countries" refers to Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States; and

(3) the term "military expenditures" means all expenditures on the provision and maintenance of, and support for, armed forces, but does not include funds destined for civilian law enforcement agencies.

#### SEC. 8. DATE OF ENACTMENT.

This Act shall take effect 90 days after its date of enactment.

By Mr. BOREN:

S. 2159. A bill to amend the Internal Revenue Code of 1986 to stimulate economic growth and long-term competitiveness in the United States by providing middle-income tax relief and by stimulating capital investment, and for other purposes; to the Committee on Finance.

#### TAX FAIRNESS AND COMPETITIVENESS ACT OF 1992

● Mr. BOREN. Mr. President, I am introducing today a wide-ranging tax relief act, the Tax Fairness and Competitiveness Act of 1992, that includes a capital gains tax cut and an education aid plan to help middle-income Americans pay the high cost of college tuition.

Any tax plan that we adopt must meet three objectives: long-term improvement of America's competitive position, short-term stimulus to the economy, and increased fairness for middle-income taxpayers. We must avoid rushing into a short-term tax



package that contradicts sound long-term strategy. While we work on a tax bill, we cannot sacrifice our long-term goals for a quick fix. Our goals must be to make us more competitive and to create secure jobs for young Americans in the future. Whatever we do to stimulate the economy in the short-run must be consistent with these objectives.

In the long term, we must lower capital costs and make the United States more competitive. The Tax Code is a powerful tool in encouraging businesses and individuals to use their resources to benefit economic growth. The cost of capital in this country is significantly higher than the cost of capital for our major international competitors. The United States cost of capital is 2½ times higher than that of Japan, and taxes are a crucial element in that cost.

**MIDDLE-INCOME TAX RELIEF  
PROVISIONS TO REDUCE THE BURDEN OF  
FINANCING HIGHER EDUCATION**

As we work to give middle-income families the tax relief they deserve, we must not forget that one of the greatest struggles now faced by these families is the skyrocketing cost of providing a college education for their children. The very wealthy don't have to worry about educating their children; the very poor can qualify for generous scholarships and grants. Middle-income families, however, earn too much to qualify for financial aid and too little to afford the spiraling costs of a college education without financial help. As a result, most of these families must either take out burdensome educational loans or simply abandon the hope of providing their children with a college education.

One thing is certain: The long-term economic well-being of this Nation is dependent on a skilled and highly educated work force. If the Federal Government does not provide the economic stimulus to make higher education affordable by the largest segment of American society—the segment that includes three-fourths of the college-age population—the future holds little promise for our youth.

My proposal to lessen the tremendous weight of financing higher education for middle-income Americans has three prongs. First, we must realize that the only way most middle-income parents can meet the costs of college is to take out substantial student loans. Debt for graduating students and their parents may range from \$10,000 to \$120,000, depending on the type of education the student received. Such a huge debt burden discourages students from seeking higher education, as well as discouraging them from taking lower paying public service and teaching jobs after they graduate.

As you know, the so-called Tax Reform Act of 1986 phased out the interest deduction for interest on loans used

to finance the costs of higher education. My proposal, also introduced today as separate legislation cosponsored by my colleague from Iowa Senator GRASSLEY, would allow a taxpayer the option of taking a deduction or a tax credit for interest paid on loans for higher education. Most taxpayers would choose the option of the itemized deduction, which would be equal to the full amount of qualified higher education loan interest. The option of a tax credit is provided for those taxpayers who do not have enough deductions to justify itemizing. The credit would be equal to 15 percent of interest, with a cap of \$300 per year. Because interest payments tend to be higher in the initial years of repayment, the tax benefit is limited to interest paid or incurred during the first 48 months, whether or not consecutive, for which a payment is required to be made on such loans.

The second prong aimed at the costs of higher education is the provision establishing a family college savings account [CSA]. Even though the polls reveal that most parents feel obligated to contribute to the cost of their children's college education, only half of the families that plan to send a child to college are actually saving for that eventuality. Even among savers, the median savings level is under \$600 per year. Without some incentives, families will be financially unprepared to pay for their children's college educations.

At the close of the 100th Congress, we took an important first step toward assisting families to save for college education by providing that Federal EE savings bonds, when transferred to a qualified educational institution for purposes of paying tuition, would be tax exempt. The only problem with current law is that it fails to exploit the abundant resources of the private sector and of the States in encouraging savings for college. Private sector innovators who conceive and market financial instruments designed to stimulate college savings and States, such as Oklahoma, that have implemented tuition prepayment plans are competitively disadvantaged by a tax-advantaged Federal product. To maximize savings for college, we must level the playing field for all financial instruments by providing tax incentives across the board.

Under the proposal that I am introducing today, eligible investments for a CSA include the series EE savings bond; deposits made in a college savings program sponsored by a State; and bank accounts, investment accounts, and other accounts that satisfy requirements similar to those for an IRA. As in the current EE savings program, there will be no deduction for contributions to the college savings account. Earnings on amounts deposited in a college savings account would not be

taxed when earned and would be exempt from taxation when withdrawn to pay for college educational expenses. With the exception of the series EE savings bonds, contributions to CSA's must be held for 5 years to be eligible for the exclusion.

Mr. President, the final component of my education package is a change in section 117 of the Tax Code to ensure that most of the funds received by students in the form of scholarships, grants, and fellowships are tax exempt. After the 1986 Act, qualified scholarships are excluded from gross income only to the extent that a full-time student uses them for tuition, fees, and required books, supplies, and equipment. The effect of this change was to treat as taxable income any amount of scholarship used by the student for reasonable living expenses, such as room and board.

I can see no justification for such a tax policy. A student's living expenses while he or she studies at a university are real educational expenses, as necessary as the costs of tuition and fees. By inappropriately treating scholarship money used for these purposes as income to the student, and thereby taxing it if the student has income more than that protected by the personal exemption and standard deduction, we increase the costs of higher education and discourage students from attending college.

**TAX INCENTIVE TO ENCOURAGE HOME  
PURCHASES**

The recession has hit the housing industry particularly hard. Housing starts in 1991 were at the lowest level since World War II. It is estimated that the downturn in this industry has resulted in the loss of over 682,000 jobs in the construction industry in the past 2 years.

A consensus is building that one of the best solutions to this problem is a temporary, refundable tax credit for first-time home purchasers. Accordingly, I propose as part of the middle-income relief portion of my package a \$2,000 tax credit for families with incomes less than \$75,000. This tax credit would be effective as of today so that people will not postpone buying homes, thereby postponing economic recovery, until the Congress passes legislation to provide relief.

It has been estimated that such a tax credit could result in 260,000 housing starts and 500,000 jobs. In addition, this tax provision could transform the dream of home ownership into a reality for many young Americans who would not otherwise be able to save enough money for a downpayment.

**LONG-TERM COMPETITIVENESS PROVISIONS**

Although our attention is fixed on the immediate effect of the recession on middle-income Americans, we cannot let our current troubles blind us to the need for comprehensive, long-term tax reform. We must restructure the

Tax Code so that it exerts a positive influence on investment, employment, and international competitiveness. With those overriding concerns in mind, I offer the following provisions to decrease the cost of capital and to enhance our ability to compete effectively in the international marketplace.

#### CAPITAL GAINS TAX REDUCTION

I have long been a proponent of the idea that a reduction in the tax on capital assets is a vital component to any program to increase investment and competitiveness. I am heartened by the increasing number of my colleagues on both sides of the aisle who agree with this perspective. I offer today my own approach to reducing the tax on capital gains, an approach that owes much to the legislation recently introduced by my colleague from Louisiana, Mr. BREAUX.

Taxes, particularly the taxes on capital gains, directly influence the cost of capital. By eliminating the capital gains differential, the 1986 Act substantially increased the cost of capital for U.S. businesses. It has been estimated by an economist from the Boston Federal Reserve Bank that if Congress had not raised the capital gains tax in 1986, the cost of capital would have risen by only half as much as it did. This effect is particularly pronounced on new business endeavors, particularly venture capital projects.

My proposal would decrease the capital gains tax so as to lower the cost of long-term investment and to stimulate economic growth. It is structured so that it does not reward short-term, speculative investment that does not stimulate real economic growth. The legislation provides for a 5-percent exclusion on the capital gain from assets held for at least 2 years. This exclusion would increase each year to an exclusion of 25 percent for assets held over 10 years. The bill would be effective as of today; thus, it should not skew investment decisions or postpone investment necessary to bring us out of the recession.

Like the proposal introduced in October by Senator BREAUX, this legislation is designed to address the argument that a capital gains tax reduction will decrease revenues. I remain convinced that a capital gains cut will stimulate the economy to such an extent that the proposal will actually result in increased revenue for the Treasury. We are all familiar with the administration's estimates of a \$16 billion gain over a 4-year period. We are equally familiar with the contrary estimates that predict a net loss in revenue from a capital gains tax cut.

The way to move forward with capital gains tax reform in the face of this uncertainty is to establish a fallback position. If this proposal results in a loss of money to the Treasury—a result I do not anticipate—a fourth tax rate

of 36 percent will be triggered that will raise sufficient revenue to offset any loss. Hopefully, this innovation will allow us to overcome the stalemate of the opposing revenue estimates and proceed with important legislation.

#### ALTERNATIVE MINIMUM TAX RELIEF

In 1986, Congress enacted a corporate alternative minimum tax [AMT] to end a situation of abuse: some corporations were reporting substantial earnings to shareholders but were not paying any Federal income tax through the legal use of tax deductions and credits. Typically, these tax benefits related to capital expenditures and the development of natural resources—they could be so large in comparison to a company's income that essentially no tax liability would remain after those deductions were taken.

Regardless of Congress' good intentions when it enacted the corporate AMT, the operation of the law has had a pronounced and unexpected negative effect on corporate investment and economic growth. Recent research by Arthur Anderson and Co. shows that U.S. firms paying the AMT recover their investment costs for new equipment much more slowly than do companies located in countries that are our major competitors. For example, a United States firm manufacturing engine blocks recovers only 34 percent of its capital expenditures after 5 years if it is an AMT payer, compared to 94 percent in Korea, 87 percent in Germany, 72 percent in Canada, and 64 percent in Japan.

Of course, the AMT increases the cost of capital for all firms paying the alternative minimum tax whether they invest in robots, pollution-control equipment, or other capital equipment. The significance of this decrease in our competitiveness is alarming. It has been estimated that between 40 and 60 percent of all U.S. businesses will pay the alternative minimum tax in 1991. It is particularly ironic that the effect of the AMT is more pronounced during a recession because corporate income is low relative to the amount of tax preferences. It is not good economic policy to increase taxes on businesses seeking to invest when the economy is stagnant and unemployment is staggering.

I am offering today a proposal designed to provide relief for corporate AMT payers who have accumulated substantial AMT credits during the recession. The proposal would allow AMT payers who generate AMT credits in the prior years to use accumulated AMT credits against current year AMT liability. This proposal is consistent with the original intent of Congress when it passed the corporate AMT. We did not intend to deny AMT payers the effect of regular tax benefits, but only to limit the amount they could receive in any 1 year. In reality, however, long-term minimim taxpayers are being permanently denied these benefits; they

cannot use all their credits in a meaningful time frame either because they have so many accumulated credits or because they have been AMT payers for such a long time.

The bill contains a 90-percent limitation so that a corporate taxpayer will always pay some tax when it generates income. To that extent, my proposal remains true to the objective of the AMT. Moreover, the legislation does not change the underlying structure of the AMT base; rather, it provides targeted relief to companies that need it most.

In addition to this general AMT relief for all corporations paying the alternative minimum tax, the legislation also has targeted relief to help revitalize the independent oil and natural gas industry. We are all aware that independent producers drill 85 percent of the wells in this country, and that they are responsible for 60 percent of the natural gas and 40 percent of the crude oil produced in the United States.

Since 1986, however, domestic oil production has decreased by more than 1.7 million barrels per day, and the number of domestic independent producers has dropped by more than one-third. Many experts point to the AMT as a primary cause of this decline because it treats unfavorably two ordinary and necessary business expenses for independent oil and gas producers: intangible drilling costs [IDCs] and the deduction for percentage depletion.

Because these are terms of art, we can lose sight of the fact that these expenses are necessary business expenses that are instrumental to the development of oil and gas resources. In general, IDC's are the expenditures incident to and necessary for the drilling and preparation of wells for production that are neither for the purchase of tangible property nor part of the acquisition price of the leasehold itself. These costs can amount to as much as 80 percent of the total costs incurred in developing a well; they include survey costs, amounts paid to drilling contracts, costs to prepare the drill site, costs of transporting and setting up the rigs, and costs of cementing casing in place. The deduction for percentage depletion is based on economic principles that recognize that oil and natural gas operators must discover their capital and that oil and natural gas properties are wasting assets with no residual value. In addition, the deduction acknowledges that economic profits from successful wells must compensate for the economic losses from dry holes and marginal wells that do not recover their original investment.

Thus, both types of expenditures are legitimate and necessary given the unique nature of the oil and gas industry. Moreover, they both correspond to ordinary business expenses that are deductible for every other business, whether it pays regular corporate tax



or the AMT. My proposal would completely eliminate IDC's and percentage depletion as tax preference items for independent producers paying the AMT.

#### PASSIVE LOSS FOR REAL ESTATE ACTIVITIES

Another long-term problem for our economy has been caused by the changes in 1986 to the passive-loss rules relating to real estate activities. As a provision of this comprehensive act, I have included legislation that I introduced previously as S. 1257. This provision would modify the passive-loss rules to allow qualifying real estate professionals to offset their real estate losses against their income on the same basis as taxpayers in all nonrental business. Such a modification has widespread and bipartisan support in Congress.

As with many of the longer term proposals in the Act, this provision has positive short-term benefits. Real estate is a principal asset of banks, insurance companies, and pension funds. When the asset base is in trouble, so are these financial institutions. Without changes in the passive-loss rules, building owners have little incentive to hold on to troubled properties, rather than deeding them back to the lender. Moreover, stabilizing the real estate market would stabilize property values, thereby shoring up many financial institutions whose asset portfolios contain numerous real estate properties.

Under the current passive-loss rules, taxpayers generally may offset losses incurred in activities in which they materially participate against any income. An exception to this rule is made for taxpayers engaged in rental activities, including rental real estate. Such taxpayers are treated as passive investors regardless of the extent of their involvement in rental real estate activity.

This bill provides that the rental real property activities of an individual engaged in the real property business will be treated in the same manner as nonrental activities under the passive-loss rules. To qualify under the bill, an individual must spend at least 50 percent of his or her working time and more than 500 hours in rental property operations during a taxable year. This test ensures that the provision will alleviate the problems caused by the 1986 changes without allowing a return to tax sheltering through real estate investments.

#### RATIONALIZATION OF THE DEPRECIATION SYSTEM FOR AUTOMOBILES

Mr. President, during the last few months there has been a lot of talk about the need to encourage growth in the domestic automobile industry. The difficulty, of course, is to construct a viable solution that does not also construct unacceptable barriers to trade. An analysis of the market for domestic automobiles suggested an approach that I have adopted in this legislation.

By encouraging businesses to purchase passenger cars, light trucks, and vans, we stimulate the domestic automobile industry that represents over 95 percent of business automobile purchases. In fact, one-third of new passenger cars are purchased by U.S. businesses at a cost of over \$50 billion annually.

Surprisingly, however, our depreciation system for business autos is unfavorable in comparison with the accelerated depreciation allowed to other business equipment. The recovery life of an automobile for depreciation purposes is 5 years; yet the economic life of a business-use passenger car has been estimated by the Department of Treasury to be approximately 3.5 years. Moreover, the current law provides for an indexed luxury cap, which limits the maximum depreciation allowances that can be taken over the first 5 years of use to \$12,660.

My proposal would seek to stimulate business investment in automobiles, light trucks, and vans by reducing their recovery life to 3 years, and by increasing the cap to \$18,000, approximately the average price of a new car. This change in the tax law will result in the creation of at least 13,320 to 18,600 jobs among automobile manufacturers and their suppliers. Given U.S. businesses' preference for purchasing domestic automobiles, this proposal should substantially improve the financial health of the domestic auto industry.

#### TARGETED JOBS TAX CREDIT

The final provision of this legislation would make permanent a tax credit that has resulted in the employment of over 4½ million Americans since it was enacted into law as a temporary credit: the Targeted Jobs Tax Credit. This program has been an extraordinarily effective tool in encouraging the employment of members of target groups with severe barriers to employment, including economically disadvantaged youth, disabled person, Vietnam and Persian Gulf veterans, ex-offenders, and AFDC, SSI, and general assistance recipients.

Yet again, this program's importance is underscored by the difficult economic times that this country now faces. In a time of recession, the Targeted Jobs Tax Credit program becomes even more critical because the individuals for whom the tax credit is designed to help often suffer the most and the longest.

I include this provision in the portion of the act that deals with long-term objectives, however, because it makes the tax credit a permanent part of the tax system. As we consider any changes in tax policy, we must be aware of taxpayers' need for certainty. Temporary programs, such as this one, force Congress to reconsider them frequently and force taxpayers to make investment and employment decisions in an unsettled tax environment. Businesses and individuals simply cannot plan

when we have a stop-and-start tax policy.

I urge support of this provision, which I have introduced previously as a separate bill, S. 581, because it is the kind of proven, cost-effective vehicle to combat structural unemployment that is so necessary in an era of persistent social and economic problems.

In conclusion, Mr. President, the Tax Fairness and Competitiveness Act of 1992 is designed to increase the fairness of the tax system which has lately weighed so heavily on the middle class and to stimulate an economy that has been in a recession for 1½ years. I approach both of these short-term goals with the realization that any changes in tax policy must be consistent with long-term objectives of decreasing the cost of capital and enhancing the ability of U.S. businesses to compete abroad.

In the next few months, as the various growth packages are debated and analyzed, we are likely to hear a great deal of rhetoric about the recession and a great deal less commonsense discussion of ways to end it. This issue, with both its short-term and long-term ramifications, is far too important to become a political football. Congress and the administration must work together to rebuild the economy and to restore our faith in the American system—our faith that this Nation provides everyone with the opportunity not only to make a living but also to provide a better life for their children.●

By Mr. SPECTER (for himself,  
Mr. LAUTENBERG, Mr. D'AMATO,  
and Mr. SIMON):

S.J. Res. 240. Joint resolution designating March 25, 1992 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

#### GREEK INDEPENDENCE DAY

● Mr. SPECTER. Mr. President, today I introduce a joint resolution to designate March 25, 1992, as "Greek Independence Day: A Celebration of Greek and American Democracy."

One hundred and seventy-one years ago the Greeks began the revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. How fitting, then, that we should recognize the anniversary of the beginning of their effort to return to that democratic tradition.

This democratic form of government is only one of the most obvious of the many benefits we gained from the Greek people. The ancient Greeks con-

tributed a great deal to the modern world and particularly to the United States of America, including art, philosophy, science, and law. Today, Greek Americans continue to enrich our culture and to make valuable contributions to American society, business, and Government.

It is my hope that strong support for this joint resolution in Congress will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Accordingly, I urge my colleagues to join us in supporting this important resolution.●

#### ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the names of the Senator from Illinois [Mr. DIXON] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 2, a bill to promote the achievement of national education goals, to establish a National Council on Educational Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

S. 798

At the request of Mr. CRANSTON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 798, a bill to amend title 18, United States Code, to provide a criminal penalty for interfering with access to and egress from a medical facility.

S. 1381

At the request of Mr. GRAHAM, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1381, a bill to amend chapter 71 of title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with disability compensation.

S. 1423

At the request of Mr. DODD, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Ohio [Mr. GLENN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1424

At the request of Mr. CONRAD, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1424, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a mobile health care clinic program for furnishing health care to veterans located in rural areas of the United States.

S. 1817

At the request of Mr. LAUTENBERG, the name of the Senator from California

[Mr. CRANSTON] was added as a cosponsor of S. 1817, a bill to amend the Trade Act of 1974 to require the National Trade Estimate include information regarding the impact of Arab boycotts on certain United States businesses.

S. 1845

At the request of Mr. SIMON, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1845, a bill to ensure that all Americans have the opportunity for a higher education.

S. 1902

At the request of Mr. ADAMS, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1902, a bill to amend title IV of the Public Health Service Act to require certain review and recommendations concerning applications for assistance to perform research and to permit certain research concerning the transplantation of human fetal tissue for therapeutic purposes, and for other purposes.

S. 1934

At the request of Mr. STEVENS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1934, a bill to exclude deposits into a capital construction fund account under section 607(d) of the Merchant Marine Act from net earnings from self-employment.

S. 2056

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2056, a bill to assist States in developing export programs, and for other purposes.

S. 2094

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2094, a bill to repeal sections 601 and 604 of the Emergency Unemployment Compensation Act of 1991, relating to certain student loan provisions.

S. 2106

At the request of Mr. CRANSTON, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

S. 2113

At the request of Mr. SMITH, the names of the Senator from Montana [Mr. BURNS], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Alaska [Mr. STEVENS], the Senator from Utah [Mr. HATCH], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 2113, a bill to restore the Second Amendment rights of all Americans.

S. 2117

At the request of Mr. SASSER, the names of the Senator from Maine [Mr.

MITCHELL] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 2117, a bill to ensure proper service to the public by the Social Security Administration by providing for proper budgetary treatment of Social Security administrative expenses.

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1992, as "National Customer Service Week."

SENATE JOINT RESOLUTION 214

At the request of Mr. CHAFEE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 214, a joint resolution to designate May 16, 1992, as "National Awareness Week for Life-Saving Techniques."

SENATE JOINT RESOLUTION 233

At the request of Mr. BIDEN, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 233, a joint resolution to designate the week beginning April 12, 1992, as "National Public Safety Telecommunicators Week."

SENATE JOINT RESOLUTION 239

At the request of Mr. PACKWOOD, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Alaska [Mr. STEVENS], the Senator from Washington [Mr. ADAMS], the Senator from Montana [Mr. BAUCUS], the Senator from Delaware [Mr. BIDEN], the Senator from Missouri [Mr. BOND], the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Idaho [Mr. CRAIG], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Utah [Mr. HATCH], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Wisconsin [Mr. KASTEN], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arkansas [Mr. PRYOR], the Senator from Virginia [Mr. ROBB], the Senator from Tennessee [Mr. SASSER], the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of



Senate Joint Resolution 239, a joint resolution designating February 6, 1992, as "National Women and Girls in Sports Day."

#### SENATE CONCURRENT RESOLUTION 74

At the request of Mr. DECONCINI, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Concurrent Resolution 74, a concurrent resolution calling for acceptance and implementation by certain republics of the commitments on human rights, fundamental freedoms, and humanitarian cooperation contained in the Helsinki Final Act and other documents of the Conference on Security and Cooperation in Europe.

#### SENATE RESOLUTION 246—RELATIVE TO RECOGNITION OF CROATIA AND SLOVENIA

Mr. DOLE (for himself, Mr. PRESSLER, Mr. HELMS, Mr. PELL, Mr. MCCAIN, Mr. BROWN, Mr. GORTON, Mr. D'AMATO, Mr. SEYMOUR, Mr. DIXON, Mr. JOHNSTON, Mr. RIEGLE, Mr. HATCH, Mr. WALLOP, Mr. GLENN, Mr. BREAUX, Mr. GORE, Mr. GARN, Mr. LIEBERMAN, Mr. SPECTER, Mr. MACK, Mr. WOFFORD, Mr. NICKLES, Mr. THURMOND, Mr. ROTH, Mr. KASTEN, Mr. HARKIN, Mr. SYMMS, Mr. WARNER, and Mr. KOHL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

#### S. RES. 246

Whereas, on December 23, 1990, the people of Slovenia voted overwhelmingly for freedom and independence;

Whereas, on May 19, 1991, the people of Croatia voted overwhelmingly for freedom and independence;

Whereas, on June 25, 1991, the governments of the Republics of Croatia and Slovenia declared their independence;

Whereas, the attack by the Yugoslav Army on the Republic of Slovenia resulted in over one hundred casualties before the agreement on the Yugoslav Army's withdrawal from Slovenia was reached on July 10, 1991;

Whereas, following the Croatian declaration of independence, the Yugoslav Army, in conjunction with the communist leadership of the Republic of Serbia, began waging a brutal war against the Republic of Croatia, a war which has resulted in the deaths of over 10,000 people, primarily innocent civilians, and the large scale destruction of hospitals, schools, churches and industry;

Whereas, since September 7, 1991, the governments of Croatia and Slovenia have been negotiating in good faith at the European Community sponsored peace conference and have met the criteria established by the EC regarding commitment to democracy and the protection of human rights;

Whereas, on January 15, 1992, the twelve nations of the European Community, in accordance with EC criteria and procedures, extended diplomatic recognition to Croatia and Slovenia;

Whereas, as of January 23, 1992, the following countries have extended diplomatic recognition to Croatia and Slovenia: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Czech and Slovak Federation, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland,

Italy, Latvia, Lichtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Ukraine, Uruguay, United Kingdom, The Vatican;

Whereas, it is in the national interest of the United States to establish friendly diplomatic relations with new and democratic countries which have emerged from former communist multinational states; Now, therefore, be it

#### Resolved, That:

(1) The U.S. Senate congratulates the governments and people of Croatia and Slovenia on the occasion of the recognition of their independence by thirty eight countries.

(2) The U.S. Senate believes it to be consistent with the traditional American commitment to freedom and self-determination, and in the interest of stability in Europe, to support new democratic countries which have emerged from communist multinational states such as the former Yugoslavia and the former Soviet Union.

(3) The U.S. Senate urges the President to immediately extend diplomatic recognition to Croatia and Slovenia and establish mutually beneficial relations with these new countries.

Mr. DOLE. Mr. President, today I am introducing a resolution urging United States recognition of Croatia and Slovenia. I am joined by 27 of my colleagues, including the ranking Republican on the European Subcommittee of the Foreign Relations Committee, Senator PRESSLER, the ranking Republican on the Foreign Relations Committee, Senator HELMS, and the chairman of the Foreign Relations Committee, Senator PELL.

Recognizing these two nations is recognizing reality. Yugoslavia is like humpty dumpty—all the kings horses, and all the kings men are just not going to put it together again.

Recognizing these two nations is doing the right thing—consistent with America's fundamental commitment to freedom and self-determination for all people; consistent with our fundamental interest in fostering long-term stability in Central Europe.

Merely applauding the collapse of Communist states such as the Soviet Union, or passively observing the dissolution of Communist states such as Yugoslavia, does not represent an effective American policy. We have learned that in dealing with the new republics of the former Soviet Union. We must relearn it in forging a sensible, realistic policy toward Croatia and Slovenia.

Mr. President, 39 countries understand this lesson and recognize this reality. Thirty-nine have already extended diplomatic recognition to Croatia and Slovenia. The European Community, the former Warsaw Pact countries, the Baltic States, our neighbor Canada—all have recognized Croatia and Slovenia. We like to call ourselves the leader of the free world. It is high time we show that leadership by joining our fellow free world nations in this act.

This resolution urges the President to immediately extend diplomatic recognition to Slovenia and Croatia, and to begin the process of establishing and implementing mutually beneficial relations with both states.

The people of Croatia and Slovenia have committed themselves, over the last year and a half, to democracy and freedom.

The Slovenians voted for a democratic government in the spring of 1990. In December 1990, they voted overwhelmingly for independence. Only a day after the Slovenian Government declared independence, the Slovenians fought to defend their right to freedom. Tragically, dozens of Slovenians lost their lives fighting against the Yugoslav Army. Once entrusted with the defense of Slovenians and the other people of Yugoslavia, this army had become the last bastion of communism, with total allegiance to hardline Serbian President Milosevic.

It was not easy to stomach some of the scenes we saw on CNN: Ill-equipped but brave Slovenians trying to defend their country against the heavily armed Yugoslav Army.

And, little did we know at the time, Slovenia was only an appetizer. The Yugoslav Army was really hungering for a big chunk of Croatia. The people of Croatia, like those of Slovenia, also voted for democracy in April 1990, and for independence in May 1991.

However, after the Yugoslav Army was rebuffed in Slovenia, Croatia became the target of Milosevic's plan to carve out a greater Serbia. The Yugoslav Army, together with Serbian guerrillas, launched an all-out war against Croatia—its people, its culture, and its economy.

This war has resulted in over 10,000 deaths, mostly civilians—women and children. Hospitals, churches, schools, and homes have been destroyed. Yet, the citizen of Croatia have not wavered in their determination to win freedom.

Mr. President, the people of Slovenia and Croatia have paid and are paying a high price for freedom. We can't turn away from them now.

The United States has historically supported the rights of nations to self-determination. The Reagan-Bush policies have been vindicated—the United States won the cold war. Having supported these principles unswervingly for decades, we must now support those nations which have turned these principles into reality for their people. We must embrace new democratic countries like Slovenia and Croatia. Diplomatic recognition is the first crucial step.

Mr. President, I would like to quote from a letter sent by former President Reagan to Croatian President Franjo Tudjman on January 15, the day the EC countries recognized Croatia and Slovenia. President Reagan says: "This is a proud day for freedom loving people

around the world." On the same day, former British Prime Minister Margaret Thatcher also wrote to President Tudjman: "At this time, your friends also remember those who gave their lives and those who suffered grievously in this terrible war. The injured and those who have lost their homes will need practical help to rebuild their shattered lives. For them and for all Croatians today offers a new beginning and brings new hope."

Mr. President, I ask unanimous consent that these two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 15, 1992.

President FRANJO TUDJMAN,  
Pancovcak 241, Villa Zagorje, Zagreb, Croatia.

DEAR PRESIDENT TUDJMAN: I am writing to offer my congratulations on the recognition the E.C. has given to Croatia's sovereignty and independence. This is a proud day for freedom living people around the world.

With best wishes for continued success,  
Sincerely,

RONALD REAGAN.

JANUARY 15, 1992.

Dr. FRANJO TUDJMAN,  
President of the Republic of Croatia.

DEAR PRESIDENT: Please accept my warmest congratulations on the international recognition of Croatia's independence. I know how passionately your people have longed for this day. We must not be surprised if there are further difficulties which will need to be overcome. But I know that you will strive to secure the peace, justice and stability which alone can make for a prosperous future.

At this time your friends also remember those who gave their lives and those who suffered grievously in this terrible war. The injured and those who have lost their homes will need practical help to rebuild their shattered lives. For them and for all Croatians today offers a new beginning and brings new hope.

Kind regards,

MARGARET THATCHER.

Mr. DOLE. Mr. President, Slovenians and Croatians have died for their freedom, as many Americans did fighting for independence over 200 years ago.

It is time for us to live up to our history, and do what is realistic and right.

I certainly would urge my colleagues to take a look at this resolution and if they feel so inclined to cosponsor it.

Mr. BROWN. Mr. President, I thank the distinguished Republican leader from Kansas for an opportunity to join him in this resolution and for an opportunity to speak on it.

What is at stake here is not simply the recognition of the two countries. What is at stake is more important. What is at stake here is a question of freedom, independence, and self-determination.

There is a clear and distinct difference between the central government of Yugoslavia and these two Republics. The facts are these: These Republics believe in political freedom, and economic freedom. The central government does not.

If this Nation stands for one thing in its 200-plus years of history, it stands for freedom, independence, and self-determination. It stands for opportunity. That is what I believe is at stake with the recognitions of these two Republics. It is not simply where we put an embassy, it is not merely where we send an ambassador. It is what this Nation and this people stand for.

If we want to hold high the torch of freedom, that has lighted the world throughout this country's existence, this is an important opportunity. It is an opportunity for us to reflect the will of the American people, to once again speak out for freedom. The leadership the United States has to offer is one that champions self-determination and independence for all people.

As you all know, tensions have simmered for many years in Yugoslavia between the many differing cultural and ethnic groups. However, the current conflict is not purely an ethnic misunderstanding as has so often been portrayed. It is the heroic struggle of a people whose desire for freedom and democracy cannot be suppressed. Today's fighting is between those who favor the freedom and liberty of self-government and those who would maintain one of the world's remaining repressive totalitarian regimes.

Croatia and Slovenia held referendums on independence last summer. Both were overwhelmingly approved by their peoples. The courageous men and women of Croatia and Slovenia made their own choice. They have chosen democracy instead of totalitarianism.

Unfortunately, the Republic's call for independence has been met with force by the federal Yugoslav Army. Since Croatia and Slovenia declared their independence last June, this Communist army, equipped with modern weapons and military technology, made ruthless and brutal attacks upon the newly independent Republics of Croatia and Slovenia. What they could not win by persuasion, they attempted to take by force.

For the brave people of Croatia, the conflict has brought tragic loss. Over 10,000 Croatian men, women, and children have been killed. Many thousands have been wounded. Furthermore, the federal army has devastated Croatia; 400,000 people have lost their homes. The property damage is estimated at more than \$20 billion. Thirty percent of the Croatian economy is completely ruined and as much as a third of the new Republic's territory has been occupied by the Communist forces of Yugoslavia.

The United States must stand by those men and women around the world who are fighting for freedom. As Americans, we know what it's like to be virtually abandoned—we were during our struggle for independence. Only the French stood with us, and only after we were well into the struggle.

We, the American people, have long advocated democracy and freedom and respect for the right of self-determination for the world's peoples. We have been leaders in support of independence for many other nations.

In the case of Croatia and Slovenia, we should have been first to recognize their independence. We were not, not even close. In fact, it looks now like we will be lucky to be the thirty-ninth country to recognize these newly independent nations. When we do recognize them, we will be one of the very last Western nations to do so.

It seems that our struggle for independence and the lack of outside support are only a dim memory, a very dim memory. Even worse, our delayed recognition sent a wrong signal to the Belgrade regime at a critical time, giving the appearance that this repressive Communist government could crack down on the newly independent and democratically elected Governments of Slovenia and Croatia, with little fear of retaliation once the conflict had ended.

As Americans, we must be catalysts for freedom, and for peace and stability in that region. We must continue to encourage reconciliation among different ethnic groups, and ensure that Croatia and Slovenia, as new Republics, afford their minorities the same democratic rights they are fighting to win today. They have promised to do so, and should be held to their promise.

Mr. President, several articles recently appeared in *Zajednicar*, a newspaper of the Croatian Fraternal Union of America. I ask that they be printed in full at the end of my remarks.

Mr. President, I am delighted to join as a cosponsor of this resolution and urge its speedy adoption.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From *Zajednicar*, Jan. 1, 1992]

#### THE BIG LIE

Most news stories on the war in Croatia usually contain a paragraph that "the Serbs want to protect the 600,000 Serbs living in Croatia from the genocide that resulted in the massacre" of Serbs, anywhere from 700,000 to 1.2 million, during World War II. That grossly inflated figure was even further bloated on an ABC World News program on Dec. 23 in a segment by Bill Lawry that claimed two million Serbs were killed by Croats in World War II.

We have protested to various news media outlets that the figures are grossly exaggerated. Furthermore, we have asked why there is never any mention that more than 250,000 Croats were massacred by the Serbs in World War II.

We would ask our members to write ABC World News, 47 West 66th St., New York, NY 10023, attention Bill Lawry, telephone 212-887-3606. Point out to ABC that the 1985 book by Serbian scholar Dr. Bogoljub Kocovic "World War II Deaths in Yugoslavia" mentions that in all of Yugoslavia during World War II, one million Yugoslavs died. There have also been a number of articles in the "Z" in recent months that show the claim of 700,000 to 1.2 million and even 2 million Serb deaths as The Big Lie.



We have refrained in the past from getting into a numbers argument over what happened 50 years ago. The Croatian Parliament has apologized for the brutality that occurred in World War II. What happened in World War II is nothing to be proud of, including the massacre of more than 250,000 Croats by the Serbians.

Some people seem to take a particular delight in exaggerating the death numbers of World War II. We feel it is revolting and even sickening to revel in brutality and genocide.

Religion is also silently being brought into terrible war in Croatia. The ABC news program aired racist bigotry by implicating the Vatican with World War II massacres in Croatia. And we must ask why more than 300 Croatian Catholic churches and cathedrals have been deliberately destroyed during the current conflict by the chetniks and the Yugo-Serbian communist army.

The year 1992 is on the horizon. It is our fervent hope and prayer that lasting peace will come to all people in the Old Homeland. War is such an awful waste of life. Let us not promote it nor support it by spreading lies and propaganda in the belief that we are helping a just cause. Lies beget lies. Let there be peace on earth and good will to all.

#### LETTERS TO THE EDITOR

DEAR EDITOR: President Bush's position of refusing to recognize Croatia as an independent state is scandalous and reprehensible. It is completely contrary to his position on the Baltic states, other republics of the former Soviet Union, and elsewhere.

It strangely aligns itself with the last hard-line communist regime in Europe of Serbian President Slobodan Milosevic against the democratic, free-enterprise system of Croatia.

Initially, President Bush quickly washed his hands of the issue, saying that it was a matter for the European Community to resolve.

The ministers of the European Community then made extensive onsite evaluations and allocated the principal blame for the barbaric ferocity of the killing of Croats and the destruction of their property upon the Serbian Federal Army and their allied Chetnik gangs.

As a result, many of the countries of the European Community, with Germany and Austria leading the way, appear on the verge of granting formal recognition to Croatia.

Now, and most belatedly, President Bush incredibly re-enters and imposes roadblocks and warnings to the European Community against such imminent recognition.

His action sends a clear signal of encouragement to Milosevic that he may safely continue his program of relentless butchery of Croats and the destruction of their property, all while his own Serbian populace and property remains immune from attack.

One almost unnoticed effect of President Bush's position is that the large Croatian community of Pennsylvania voted, in protest against it, almost 100 percent in favor of Harris Wofford against Mr. Bush's candidate, Richard Thornburg, in last month's Senate election.

The Croatian community of this country, nearly 3 million strong, together with their many supporters, will similarly and certainly vote essentially 100 percent against Mr. Bush's candidacy for re-election next year to again protest his tacit support for the slaughter of their relatives in Croatia.

HELEN M. SHAPIRA,  
Lodge 29.

PITTSBURGH, PA.

DEAR BERNIE: To express our appreciation for the lovely floral arrangement sent upon the passing of mom, Louise Zvonar. We were also touched by the visits of you and the others from the CFU Home Office.

You know Mom had a very special love for our Croatian Fraternal Union.

We also thank the CFU for all efforts on behalf of our dear Croatian people. Hvala vam.

CLAIR & BILL VERGOT & FAMILY,  
Lodge 541.  
TRAFFORD, PA.

#### ABOUT OUR SOCIETY THAT CARES (By Bernard M. Luketich, National President)

##### PRESIDENT BUSH DAMPENS 1992

Happy New Year, Sisters and Brothers! This issue of the *Zejednicar* is dated on the first day of the New Year 1992 and we in the National Administration of the Croatian Fraternal Union wish all our members, friends and all readers of the *Zajednicar* a Very Happy and Prosperous New Year. May the New Year bless all with good health and good luck and may Peace reign throughout the world, especially in our old homeland Croatia.

I firmly believe that the great majority of our Society's members wish for an end to the conflict in Croatia, and for an atmosphere of understanding and goodwill to return to that area. We also wish that President Bush would reexamine his policy and listen to the members of Congress who are urging him to recognize Croatia and bring an end to the Yugoslav Army's war of destruction. Even though many members of Congress and the nation's leading newspapers—The New York Times, Wall Street Journal, Chicago Tribune, the Washington Post and others—all call for recognition of Croatia as a free and democratic nation, President Bush adamantly says "No!"

##### STRONG PROponent OF DEMOCRACY

As a strong proponent of Democracy throughout the world, President Bush, in just about every address he makes in reference to foreign policy, states how the United States will support democracy and democratic governments wherever they be in the world.

So we ask him, who is he listening to on the Yugoslav issue? Is it proper to assume that President Bush considers the Communist Yugoslav Army and the Belgrade regime democratic instruments and proponents of democracy? Or has President Bush decided—with his ill-advised consultants and State Department—that Croats should be annihilated from the face of the Earth, while others try to convince the World that they are the victims of genocide? The only real example of genocide is what is happening to the Croatian People by the Communist Yugoslav Army which has the blessing of the foreign policy of the greatest country on earth and our esteemed President George Bush.

Why should President Bush be so eager and fast to have the United States recognize the breakaway republics of the Soviet Union and, in one instance—even before the people of the Ukraine voted for democracy—state that our country would recognize the Ukraine if that Republic voted to secede from the Soviet Union?

From news reports seen on out TV sets emanating from the White House, our country will recognize six of the Soviet Republics immediately and the remaining six when they declare their positions on civil rights,

free economy and democratic principles. But for Croatia, let the entire country be destroyed, an entire people annihilated and all traces of our Croatian culture, heritage, Catholic religion and the very existence of our centuries-old people be erased by the last Communist army and government in Europe.

It would be helpful to President Bush if he would talk to some of our Croatian People in Slavonija, Karlovac, Gospić and other areas and thus become aware of the suffering of those people.

On Christmas Day, if he had talked to some of the people that we did in Osijek, Gospić and Karlovac, I'm sure that his heart would have melted a bit and gone out to these suffering, unfortunate people who were celebrating Christmas Day as bombs fell on their homes while they had to celebrate Christmas Mass in underground cellars.

##### FOREIGN POLICY QUESTIONED

I ask my fellow Americans, is this a good foreign policy for the United States of America, the greatest democratic Country in the World? Maybe the democracy that President Bush represents and the democracy that we, his fellow Americans, understand have different meanings or maybe the democracy that he often refers to in his addresses is just window dressing to make us, his constituents, feel good. The other thing that we find hard to comprehend is why the Bush Administration brings so much pressure on other Nations who want to recognize Croatia and help bring this slaughter of innocent people to an end. Why does the Bush Administration oppose sending UN Peacekeeping forces to Yugoslavia, using the weak argument that this can not be done until all fighting ceases? How does he figure that the Yugoslav Army will cease bombing and shelling innocent people so that UN Forces can be sent to Yugoslavia?

Intelligent people view this policy as a green light for the Yugoslav Army to continue its genocide upon our Croatian People.

I certainly hope that this is not the real intent of President Bush and our US State Department.

The United Nations was formed so that Nations throughout the World would be able to solve their differences peaceably, and this organization is an instrument which should do all possible to stop wars. But here again, the Bush Administration wields its influence and the Secretary General bows to the wishes of a President who finds no compassion in his heart for our Croatian People.

Croatia is enduring the most difficult time in its glorious history, but I assure President Bush and his Administration that our people will prevail and will not be eliminated from the homeland they love and have lived on for centuries. We have faith and his foreign policy of dividing our people and thus controlling their future will not work in the 1990's.

We are also sure that over 2½ million American-Croats will react in the coming presidential elections which I am sure will help to change the presidential foreign policy for years into the future. We will strive for democracy world wide and not support one type of democracy in one area of the world and then have some other type of democracy for another part of the World.

As we begin in this New Year 1992, we do so with heavy hearts and disappointment, watching the President of the greatest democracy on the earth sit by and let the last bastion of Communism in Europe crush a democratic people. Happy New Year, President Bush and members of the Bush Administration.

Mr. SEYMOUR. Mr. President, I am pleased and honored to rise as a co-

sponsor of this resolution on the formal recognition of Croatia offered by the distinguished Republican leader.

Under the postwar rule of Marshall Tito, the people of Croatia first struggled through the dark age of communism. Now, under constant assault by the Serbian-dominated federal army and Serbian Communist irregulars, they find their communities, families, national treasures, and sparkling seaports in a state of ruin.

In the face of these grim realities, Mr. President, our resolution poses the only feasible answer for the Croatian people to begin their long struggle of recovery. A free and democratic Croatia, recognized formally by the United States Government, could face its adversaries with the moral and diplomatic support of the world's only remaining superpower.

A free and democratic Croatia, instead of hunkering down in bunkers, could rise in public view to negotiate a peaceful solution to the myriad of social, territorial, political, and religious problems that vex the former Yugoslavian confederation.

And a free and democratic Croatia, with the help of the United States, could emerge with its sister Republic of Slovenia as the glimmering example of what an Eastern Europe liberated from the shackles of communism can do for a people weary of war but anxious to reclaim their independence.

This resolution, Mr. President, reflects the fact that American foreign policy has leaped into a new confusing but promising era. We can now define the concept of peace as much more than the absence of armed conflict.

We can forge a new model of the single superpower using its awesome military and political might not to stare with nervous vigilance toward its enemies, but to protect the emergence of independent nations who claim membership in the world community by virtue of heritage and history rather than false ideologies.

And we can start building this new model of international relations by embracing what already exists—a democratic Republic of Croatia.

Mr. DIXON. Mr. President, I am pleased to cosponsor the resolution by the distinguished Republican leader urging the President to extend full diplomatic relations to Croatia and Slovenia.

Croatia and Slovenia, two former republics of the now defunct nation of Yugoslavia, declared their independence from the federal state months ago. The people of both countries voted overwhelmingly for democracy. Their declaration was not met with cheers from the community of democratic nations; rather, it was met with gun fire and shelling by Yugoslav Federal Army, under the control of Serbian Communist forces.

Once again, this administration hemmed and hawed on the question of

Croatian and Slovenian independence. At first, the administration held to the view that Yugoslavia should remain intact, albeit democratic. Such a view had the unintended consequence of giving the green light to the Serbian Communist forces to seek a military solution to Croatian and Slovenian declarations of independence. After all, the Serbians maintained, they were acting to preserve Yugoslavia, and isn't that what Secretary of State James Baker, speaking on behalf of the administration, favored?

The President and Secretary of State found themselves once again behind the curve of world opinion on what the response of democratic nations should be towards the declarations of independence by republics of former Communist nations.

The United States leads the parade when it comes to encouraging democracy, but finds itself at the back of the pack when it comes to actually recognizing democracies.

Every President since Truman advocated Baltic independence. Yet when the Baltic States actually declared their independence, the President and Secretary of State were content to watch the parade of nations pass them by, despite the advice of their own experts on the Baltic States in the State Department. Lithuanian, Latvian, and Estonian Americans properly felt betrayed by an administration long on words, but short on action.

Croatian and Slovenian Americans feel similarly betrayed. Thirty-eight countries have recognized their homeland. Yet the United States adheres to a policy of "wait and see." Wait and see what, Mr. President?

The war in Croatia has taken the lives of over 10,000 people, and destroyed hospitals, churches, and schools. In Slovenia, there have been over 100 casualties. How much more must the Croatian and Slovenian people endure before the President recognizes their desire, expressed at the ballot box, and on the field of battle, for independence? They have endured enough, Mr. President, and their wish for diplomatic recognition should be granted now.

I am proud to cosponsor this resolution, and urge its swift adoption.

I thank my colleagues.

Mr. JOHNSTON. Mr. President, I am pleased to join my colleagues, the senior Senator from Kansas today, in submitting this important sense-of-the-Senate resolution urging the President to extend diplomatic recognition to Slovenia and to Croatia.

No one who has read the tragic accounts of the tremendous destruction and human suffering throughout Croatia since last July, when the Yugoslav Army began its unrelenting out and out attack against Croatia, and read of the determination of the peoples of Croatia to fight for their independence

can fail to be moved by the courage of these brave peoples. At least 10,000 deaths have occurred since the Republic of Croatia declared its independence. Yet in the face of this mass destruction and these horrible losses, this spirit of independence has not wavered.

Some 38 countries have extended diplomatic recognition to the Governments of Croatia and Slovenia since their declarations of independence last June, with the 12 members of the European Community doing so on January 15 of this year. It is time, indeed past time, that the United States followed suit.

We, of all Nations, have had an unwavering commitment to freedom and self-determination for all peoples. Surely the December 1990 and May 1991 referenda, in which the peoples of Slovenia and Croatia freely exercised their right to self-determination and voted overwhelmingly for independence, should be respected by our Nation which, more than any other, stands for these great principles. Surely now we should join the other 38 nations around the world who have listened to the voice of the people as they exercised this most fundamental right of self-determination, and formalize our acceptance of their vote by extending diplomatic recognition to them. This resolution is a first and important step in that direction, and I hope the Senate will swiftly and unanimously approve it.

#### SENATE RESOLUTION 247—RELATING TO CAPITAL STANDARDS FOR DEPOSITORY INSTITUTIONS

Mr. GRAHAM submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 247

*Resolved,*

#### SECTION 1. SENSE OF THE SENATE RELATING TO STANDARDS ON RISK-BASED CAPITAL.

(a) FINDINGS.—The Senate finds the following:

(1) There were fewer housing starts in the United States in 1991 than in any of the past 40 years.

(2) It is in the interest of the United States that good quality, affordable housing be available to all Americans.

(3) Risk-based capital standards create an incentive for banks and thrifts to make lower-risk loans.

(4) Federal regulators of depository institutions have limited the favorable treatment of housing loans to loans for single-family residences.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that regulators of depository institutions should consider making changes in risk-based capital standards as the standards apply to loans for the purchase or construction of housing.



# SENATE RESOLUTION 248—RELATIVE TO THE SIGNING OF A FORMAL CEASE-FIRE IN EL SALVADOR

Mr. DURENBERGER (for himself, Mr. DODD, Mr. LUGAR, Mr. PELL, Mr. DOLE, Mr. MITCHELL, Mr. CRANSTON, Mrs. KASSEBAUM, Mr. SANFORD, Mr. MCCAIN, Mr. ROBB, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 248

Whereas the people of El Salvador have suffered 12 years of civil war, violence, and destruction, affecting an entire generation of Salvadorans and virtually every sector of society;

Whereas peace and reconciliation will permit the Salvadoran people to exert their productive capabilities in efforts to restructure their society, rebuild their economy, and further strengthen democracy;

Whereas El Salvador has achieved through negotiations a peaceful resolution to years of bloody and destructive armed conflict;

Whereas the government of President Alfredo Cristiani has successfully fulfilled its promise to the people of El Salvador made on its first day in office that it will bring peace to the country;

Whereas the January 16, 1992, signing of the formal cease-fire agreements represents not only the end of the armed conflict but the beginning of a process to consolidate peace and democracy in El Salvador;

Whereas the Salvadoran people have declared February 1, 1992, the date of the beginning of the formal cease-fire, to be National Peace Day;

Whereas the success of the Salvadoran negotiating process, with the active and indispensable contribution of the United Nations, can provide a model for the resolution of other conflicts around the world;

Whereas the United States has played a significant role in El Salvador during the years of crisis; and

Whereas the people of El Salvador and its neighbors in Latin America will be the primary beneficiaries of peace: Now, therefore, be it

*Resolved*, That (a) the Senate hereby—

(1) commends and congratulates all parties to the negotiations, the former United Nations Security General Javier Perez de Cuellar, and the Salvadoran people for their persistence, commitment, and dedication to the task of achieving peace;

(2) extends particular praise to President Cristiani for the courage and determination of his personal efforts to bring peace to El Salvador;

(3) commends and congratulates the governments of Colombia, Mexico, Spain, and Venezuela for their important contribution as "friends" of the United Nations Secretary General in support of the negotiating process; and

(4) encourages the Salvadoran people and all sectors of Salvadoran society to commit themselves to the long-term process of consolidating peace, democracy, and economic and social development.

(b) It is the sense of the Senate that—

(1) the United States should commit itself to providing appropriate assistance to the government and people of El Salvador that promotes the process of reconstruction, reconciliation, and further strengthening of democracy and democratic institutions;

(2) the United States should commit itself to seeking and encouraging other members

of the international community to contribute materially to this process in El Salvador; and

(3) the United States should commit itself to cooperating with United Nations efforts to monitor compliance with the peace agreements in El Salvador and other efforts pertaining to the United Nations role in post-war El Salvador.

• Mr. DURENBERGER. Mr. President, today I am honored to introduce a resolution regarding El Salvador and the peace agreements that country has recently achieved. I am joined in this effort by the chairman and ranking Republican of the Foreign Relations Western Hemisphere subcommittee, Senators DODD and LUGAR. We are further joined by Senators PELL, DOLE, CRANSTON, KASSEBAUM, SANFORD, ROBB, MCCAIN, and LEAHY.

This resolution recognizes the difficult path to peace that the people of El Salvador have traveled. And it notes that many challenges still remain in order to implement the accords' many far-reaching provisions, consolidate the hard-won peace, and further strengthen democracy and democratic institutions.

This resolution emphasizes that the United States and the international community have an enduring interest in assisting El Salvador with this process.

Mr. President, it is nothing short of remarkable that after 12 years of bitter civil war and 20 months of intense negotiations, the Government of El Salvador and the FMLN guerrillas signed a definitive peace treaty on January 16, with the cease-fire to take effect February 1.

I believe it is important and appropriate that the Senate go formally on record to demonstrate our recognition of El Salvador's achievement. The resolution's broad bipartisan cosponsorship clearly indicates the strong support this initiative has in the Senate.

Mr. President, I will have more to say about the resolution and the situation in El Salvador when the Senate considers the resolution at the appropriate time. •

## SENATE RESOLUTION 249—RELATIVE TO A FINAL ACCOUNT OF THE WHEREABOUTS AND DEFINITIVE FATE OF RAOUL WALLENBERG

Mr. D'AMATO (for himself, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. SPECTER, and Mr. COHEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 249

Whereas Raoul Wallenberg, a Swedish citizen and diplomat, was responsible for saving the lives of 15,000 Hungarian Jews through the issuance of Swedish passports, and helping a further 100,000 Hungarian Jews escape Nazi authorities during World War II;

Whereas on January 17, 1945, Raoul Wallenberg was taken into "protective cus-

tody" by Soviet troops, in violation of all international standards of diplomatic immunity;

Whereas Raoul Wallenberg was later arrested by Soviet troops on charges of spying, and finally taken to Lubyanka Prison in Moscow, where he was reported to have died on July 17, 1947 of a heart attack;

Whereas conflicting reports and information has surfaced over the last forty-four years claiming that Raoul Wallenberg was executed by Soviet authorities or in fact is still alive in the former Soviet Union;

Whereas the Soviet Union has now ceased to exist and has been succeeded by the Commonwealth of Independent States which has pursued democratic reform while seeking to address Soviet atrocities of the past;

Whereas the time has come to finally put an end to all speculation and confusion as to the fate of Raoul Wallenberg: Now, therefore, be it

*Resolved*, That the Senate—

(1) gratefully acknowledges the cooperation of the Soviet and now Russian authorities in providing records and personal effects of Raoul Wallenberg to his family;

(2) requests that the President of the United States pursue, through diplomatic discussions with the government of the Russian Federation, an investigation into the whereabouts and definitive fate of Raoul Wallenberg;

(3) requests that the results of this investigation be made public.

## SENATE RESOLUTION 250—MAKING A MINORITY APPOINTMENT TO THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 250

*Resolved*, That the following Senator shall be added to the minority party's membership on the Committee on Banking, Housing and Urban Affairs for the One Hundred Second Congress:

Mr. Specter.

## AMENDMENTS SUBMITTED

### NATIONAL LITERACY ACT

#### COCHRAN (AND OTHERS) AMENDMENT NO. 1473

Mr. COCHRAN (for himself, Mr. KENNEDY, and Mr. KASTEN) submitted an amendment to the bill (S. 2) to promote the achievement of national education goals, to establish a National Council on Education Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes, as follows:

On page 32, line 17, strike "205, to" and insert "205."

On page 32, strike lines 18 through 23.

On page 33, line 23, strike "State" and insert "chief State school officer, in consultation with the Governor."

On page 34, beginning with line 14, strike all through line 16 and insert the following: are designed to improve student achievement in the public schools.

(C) ADDITIONAL WAIVER AUTHORITY FOR NEW AMERICAN SCHOOLS.—A chief State school officer, in consultation with the Governor, may submit an application to the Secretary for an additional waiver of the requirements of subparagraph (A). Under such waiver, the Secretary may permit such State educational agency to expend not to exceed an additional 15 percent of the funds received under this title for the establishment of New American Schools in accordance with subparagraph (D).

(D) SPECIAL REQUIREMENTS.—An application for a waiver under subparagraph (C), shall—

(i) include procedures for the consideration of applications for schools which have—

(I) adopted the National Education Goals;

(II) established and implemented a community-wide strategy for achieving those goals;

(III) developed a "report-card" for measuring and reporting to the public, at least once each year, the progress toward achievement of the goals; and

(IV) demonstrated a willingness and commitment to make substantial improvements in the education of children in the community; and

(ii) give priority in awarding grants to eligible recipients serving communities with high concentrations of educationally disadvantaged children and children from low-income families.

(E) SPECIAL RULE.—Any new public school established under this title shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations and shall not be affiliated with a nonpublic sectarian school or religious institution.

#### SEC. 203. STATE APPLICATION.

On page 57, between lines 7 and 8, insert the following:

(5) the term "New American School" means an elementary or secondary public school that—

(A) is under the authority of a State educational agency or a local educational agency;

(B) reflects the best available knowledge regarding teaching and learning for all students;

(C) uses the highest quality instructional materials and technologies; and

(D) is designed to meet the National Education Goals as well as the particular needs of the students and community served by such school.

On page 57, line 8, strike "(4)" and insert "(6)"

On page 57, line 13, strike "(5)" and insert "(7)"

On page 57, line 17, strike "(6)" and insert "(8)"

On page 57, line 21, strike "(7)" and insert "(9)"

On page 57, line 23, strike "(8)" and insert "(10)"

On page 58, line 1, strike "(9)" and insert "(11)"

On page 58, line 4, strike "(10)" and insert "(12)"

#### HATFIELD (AND OTHERS) AMENDMENT NO. 1474

Mr. HATFIELD (for himself, Mrs. KASSEBAUM, Mr. PELL, Mr. HATCH, Mr. KENNEDY, Mr. SEYMOUR, Mr. GRAHAM, Mr. PACKWOOD, AND Mr. THURMOND) proposed an amendment to the bill S. 2, supra, as follows:

On page 2, in the table of contents, after the item relating to section 212 insert the following:

#### TITLE III—EDUCATIONAL REFORM AND FLEXIBILITY

Sec. 301. Statement of findings and purpose.

Sec. 302. Flexibility and accountability in education and related services.

On page 2, in the table of contents, redesignate the item relating to title III as the item relating to title IV.

On page 2, in the table of contents, redesignate the item relating to section 301 as the item relating to section 401.

On page 56, between lines 19 and 20, insert the following:

#### TITLE III—EDUCATIONAL REFORM AND FLEXIBILITY

##### SEC. 301. STATEMENT OF FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) historically, Federal education programs have addressed the Nation's most pressing educational problems by providing categorical assistance with detailed requirements relating to the use of funds;

(2) while the approach described in paragraph (1) has proven generally successful, some program requirements may inadvertently impede educational achievement;

(3) the Nation's schools are being asked to deal effectively with increasingly diverse educational needs that current program structures may not be flexible enough to address; and

(4) in an era when educational change and reform must prevail, it is more important than ever to provide programs that—

(A) result in improved educational outcomes for all students;

(B) promote the coordination of education and related services that benefit children and their families;

(C) respond flexibly to the needs of a diverse student population;

(D) stop the proliferation of unnecessary Federal, State, and local regulation; and

(E) place less emphasis on measuring resources and reviewing procedures and more emphasis on achieving program results.

(b) PURPOSE.—It is the purpose of this title to establish a national demonstration program which—

(1) promotes educational reform that leads to improved educational outcomes for participants in affected programs;

(2) holds accountable the schools and other recipients of Federal funds for achieving specific educational improvement goals in exchange for increased flexibility in the use of their resources; and

(3) enables school and program administrators, teachers, parents, local agencies, and community groups to work together to develop effective education programs that lead to improved achievement and meet the needs of all participants, particularly those who are disadvantaged.

##### SEC. 302. FLEXIBILITY AND ACCOUNTABILITY IN EDUCATION AND RELATED SERVICES.

(a) IN GENERAL.—Subpart 1 of Part C of the General Education Provisions Act (20 U.S.C. 1221 et seq.) is amended by adding after section 421A a new section 421B to read as follows:

##### "SEC. 421B. FLEXIBILITY AND ACCOUNTABILITY IN EDUCATION AND RELATED SERVICES.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—(A) The Secretary shall, in accordance with this section, assist elementary and secondary schools and other service providers to improve the achievement of all students and other participants, but particularly disadvantaged individuals,

by authorizing waivers to not more than 100 local educational agencies by which the States can improve the performance of schools and programs by increasing their flexibility in the use of their resources while holding them accountable for achieving educational gains.

"(B)(i) In support of these projects, the Secretary is authorized to waive any statutory or regulatory requirement (except as provided in subsection (e)) applicable to a program described in clause (i) that the Secretary determines may impede the ability of a school or other service provider to meet the special needs of such students and other individuals in the most effective manner possible. The head of any other Federal agency in accordance with the programs described in clause (i) is similarly authorized to waive such requirements applicable to an elementary, secondary, or youth vocational training program administered by such agency if the agency head and the Secretary agree that such a waiver would promote the purpose of this section.

"(ii) The Secretary shall only waive a statutory or regulatory requirement applicable to a program under—

"(I) chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

"(II) chapter 2 of the Elementary and Secondary Education Act of 1965;

"(III) the Dwight D. Eisenhower Mathematics and Science Education Act;

"(IV) the Follow Through Act;

"(V) subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act; and

"(VI) the Carl D. Perkins Vocational and Applied Technology Education Act, except part H of title III and funds allocated by States under section 232 of such Act.

"(2) PROJECT DURATION.—Projects conducted under this section, and any waivers associated with such projects, shall last no longer than three years, except that the Secretary may extend a project and any associated waivers for an additional 2 years if the Secretary determines that the project is making substantial progress in meeting its goals.

"(3) TERMINATION.—The Secretary shall terminate a project and its associated waivers if the Secretary, at any time, determines it is not making acceptable progress toward meeting its goals. The head of any other Federal agency who has granted waivers under this section shall determine whether to extend or terminate those waivers, but the Secretary shall have exclusive authority to extend or terminate the project.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—Each project that involves elementary or secondary schools shall include the participation of a local educational agency and at least 2 schools.

"(2) GRADE AND PROGRAM REQUIREMENT.—To the extent possible, each grade and academic program in a participating school shall participate in the project.

"(c) APPLICATIONS.—A local educational agency, wishing to conduct a project under this section, shall submit an application to the State educational agency for approval. The State educational agency shall then transmit approved applications to the Secretary. Each application shall be submitted within 2 years of enactment of the Neighborhood Schools Improvement Act and shall include a plan that—

"(1) describes the purposes and overall expected outcomes of the project;

"(2) identifies, for each school or site participating in the project, those impediments to improved educational outcomes that would be removed by the proposed waivers;



"(3) identifies the Federal programs to be included in the project, the Federal statutory or regulatory requirements to be waived, and the purpose and duration of the requested waivers;

"(4) describes the State and local requirements that will be waived, the purpose of such waivers, and, if such requirements will not have been waived before the project begins, when those waivers will be obtained and take effect;

"(5) demonstrates the State has made an effort to waive substantial requirements pertaining to the local educational agency;

"(6) describes specific, measurable, educational improvement goals for each school or other site in the project and for each school year of the project, including—

"(A) goals for improving the achievement of all participants, including disadvantaged individuals, with respect to achievement in basic and advanced skills;

"(B) goals that reflect the broad purposes of each program for which a waiver is sought; and

"(C) an explanation of how the applicant will measure progress in meeting the goals set for each school or site in the project and for disadvantaged individuals participating in the project;

"(7) incorporates the comments of the Governor or the chief State school officer; and

"(8) for projects involving elementary or secondary schools—

"(A) identifies the schools to be included in the project and describes the student population at each school, including—

"(i) current data regarding the achievement of the disadvantaged students as well as other students; and

"(ii) the number of students who—

"(I) are of limited English proficiency, as defined in section 7003(a)(1) of the Bilingual Education Act;

"(II) are children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act;

"(III) are currently or formerly migratory;

"(IV) are educationally deprived, for the purposes of chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

"(V) are eligible for a free or reduced price school lunch;

"(B) describes specific goals for enhancing coordination between the regular education program available to all students and programs serving disadvantaged students;

"(C) if fewer than all the schools in a local educational agency will participate in a project, describes the expected educational outcomes for disadvantaged students in schools that do not participate, and how those outcomes will be assessed;

"(D) describes how school administrators, teachers, staff, and parents (including parents of educationally disadvantaged children) have been, or will be, involved in the planning, development, and implementation of the goals and program for each participating school; and

"(E) contains goals for students targeted by the programs described in clause (ii) of section 421B(a)(1)(B) which are comparable to, or exceed existing goals under such programs.

"(d) APPROVAL OF PROJECTS.—

"(1) IN GENERAL.—The Secretary shall approve applications from not more than 100 local educational agencies for projects under this section that the Secretary determines show substantial promise of achieving the purposes of this section, after considering—

"(A) the comprehensiveness of the project, including the types of students, schools, programs, and activities to be included;

"(B) the extent to which the provisions for which waivers are sought impede educational improvement;

"(C) the State and local requirements that will be waived for the project;

"(D) the significance and feasibility of the proposed project's goals for each participating school or site;

"(E) the quality of the plan for ensuring accountability for the proposed plan's activities and goals; and

"(F) the comments of the Governors or the chief State school officers.

"(2) CONSULTATION.—The Secretary shall consult with the heads of other appropriate Federal agencies, if any, in determining whether to approve a project. Each such agency head shall notify the Secretary of any waivers granted by such agency head as part of such project.

"(3) DISTRIBUTION OF PROJECTS.—The Secretary shall ensure that, to the extent feasible, projects assisted under this section are geographically distributed, and equitably distributed among urban, suburban, and rural areas, as well as large and small schools.

"(e) ALLOCATION OF FEDERAL FUNDS; RESTRICTION ON WAIVERS.—

"(1) ALLOCATION OF FEDERAL FUNDS.—Federal funds under any program that are used to support a project under this section shall be allocated to local educational agencies and other recipients within the local educational agency in accordance with the statutory and regulatory requirements that govern the operation of that program, except that, for the purpose of such a project, the Secretary (or the head of any other Federal agency) may extend the duration of, and provide continuation funding to, a project chosen on a competitive basis that a participating agency is conducting.

"(2) RESTRICTION ON WAIVERS.—Neither the Secretary nor the head of any other Federal agency shall waive under this section any statutory or regulatory requirement in awarding a grant after the date of enactment of the Neighborhood Schools Improvement Act to a service provider within the local educational agency or other applicant participating in a project under this section.

"(3) SPECIAL RULE.—Neither the Secretary nor, where applicable, the head of any other Federal agency shall waive under this section any statutory or regulatory requirement—

"(A) under section 438 and 439 of the General Education Provisions Act;

"(B) under title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, or title II of the Americans with Disabilities Act;

"(C) under the Individuals with Disabilities Education Act; or

"(D) relating to—

"(i) maintenance of effort;

"(ii) comparability; or

"(iii) the equitable participation of students attending private schools.

"(f) REPORTS AND EVALUATIONS.—

"(1) PROJECT REPORTS.—Each project shall submit, not later than 90 days after the end of each year of the project, an annual report to the Secretary that—

"(A) summarizes the principal activities of the project;

"(B) contains school-by-school and other data, as described in the project plan, that show the extent to which the project is

meeting its overall goals, including its goals for improving the achievement of all participants, particularly disadvantaged individuals, with respect to achievement in basic and advanced skills, and is meeting the goals for each school or other site;

"(C) describes the impact of the project on disadvantaged children in schools, if any, that are not participating in the demonstration;

"(D) describes the effectiveness of efforts to coordinate programs and services for children and their families as appropriate; and

"(E) provides information on or comparable data regarding the programs described in clause (i) of section 428B(a)(1)(B) of achievement levels of students served pursuant to such programs previously demonstrated over the preceding 3 years compared with children or students served under this title.

"(2) SECRETARY'S REPORT.—The Secretary shall submit a report to the Congress every two years that summarizes and analyzes the project reports required by paragraph (1).

"(3) EVALUATION REPORTS.—At the end of the 6-year period described in this section, and at such interim points as the Secretary deems appropriate, the Secretary shall provide to Congress an independent evaluation of the projects assisted under this title, as well as an evaluation of the program assisted under this section by the Department of Education and other affected Federal agencies. Such reports may include recommendations for amendments to program statutes that are based on the experience of projects that successfully raise educational achievement by eliminating or modifying statutory or regulatory provisions that impede educational improvement.

"(g) DEFINITION.—For the purpose of this section, the term 'disadvantaged students' includes students of limited English proficiency, children with disabilities, students who are currently or formerly migratory, and students who are educationally deprived.

"(h) BUDGET NEUTRALITY.—The authority provided by this section shall not be exercised in a manner that, for any fiscal year, increases total obligations or outlays of discretionary appropriations for programs subject to such authority, or that increases total obligations or outlays of funding for all direct-spending programs subject to such authority over those that would have occurred absent such authority."

(b) SUNSET PROVISION.—The amendment made by subsection (a) shall be effective during the 6-year period beginning on the date of enactment of this Act.

On page 56, line 20, strike "III" and insert "IV".

On page 56, line 21, strike "301" and insert "401".

#### KENNEDY (AND OTHERS) AMENDMENT NO. 1475

Mr. HATFIELD (for himself) (for Mr. KENNEDY, Mr. HATFIELD, Mr. GRAHAM, Mr. MACK, Mr. PELL, Mrs. KASSEBAUM, and Mr. THURMOND), proposed an amendment to amendment No. 1474 proposed by Mr. HATFIELD (and others) to the bill S. 2, supra, as follows:

On page 4, line 21 strike "not more than 100" and insert in lieu: "not more than 6 states, which have implemented comprehensive regulatory reform plans, and no more than 50 local educational agencies in each state."

On page 11, line 2, strike "not more than 100" and insert in lieu: "no more than 6

states, which have implemented comprehensive regulatory reform, and no more than 50 local educational agencies in each state."

#### HATCH (AND OTHERS) AMENDMENT NO. 1476

Mr. HATCH (for himself, Mr. LIEBERMAN, Mr. SMITH, Mr. COATS, and Mr. BRADLEY) proposed an amendment to the bill S. 2, supra, as follows:

In the committee amendment, on page 56, between lines 19 and 20, insert the following:

#### TITLE III—LOW-INCOME SCHOOL CHOICE DEMONSTRATION

##### SEC. 301. SHORT TITLE.

This title may be cited as the "Low-Income School Choice Demonstration Act of 1991".

##### SEC. 302. PURPOSE.

The purpose of this title is to determine the effects on students and schools of providing financial assistance to low-income parents to enable such parents to select the public or private schools in which their children will be enrolled.

##### SEC. 303. DEFINITIONS.

As used in this title—

(1) the term "choice school" means any public or private school, including a private sectarian school, that is involved in a demonstration project assisted under this title;

(2) the term "eligible child" means a child in grades 1 through 12 who is eligible for free or reduced price meals under the National School Lunch Act;

(3) the term "eligible entity" means a public agency, institution, or organization, such as a State, a State or local educational agency, a consortium of public agencies, or a consortium of public and private nonprofit entities, that can demonstrate, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) carry out the activities described in its application under this title;

(4) the term "parent" includes a legal guardian or other individual acting in loco parentis;

(5) the term "school" means a school that provides elementary education or secondary education (through grade 12), as determined under State law; and

(6) the term "Secretary" means the Secretary of Education.

##### SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there are authorized to be appropriated \$30,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 and 1994.

##### SEC. 305. PROGRAM AUTHORIZED.

(a) RESERVATION.—From the amount appropriated pursuant to the authority of section 304 in any fiscal year, the Secretary may reserve not more than 5 percent for evaluation of programs assisted under this title, in accordance with section 311.

(b) GRANTS.—From the remainder of the amount not reserved under subsection (a), the Secretary shall make grants, in amounts not to exceed \$5,000,000 in the first year of the demonstration project, to eligible entities to carry out not more than 6 demonstration projects under which low-income parents receive certificates for the costs of enrolling their eligible children in a choice school.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing education certificates to low-income parents to enable such parents to pay the tuition, fees, the allowable costs of transportation, if any, and the costs of complying with section 309(a)(1), if any, for their eligible children to attend a choice school; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the grant recipient provides certificates or 10 percent in any subsequent year, including—

(A) seeking the involvement of choice schools in the demonstration project;

(B) providing information about the project, and the schools involved in the project, to parents of eligible children;

(C) determining the eligibility of children to participate in the demonstration project;

(D) selecting students to participate in the demonstration project;

(E) determining the value of, and issuing, certificates;

(F) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

(G) collecting and making available to the Secretary such information about the effects of the demonstration as the Secretary may need to conduct the evaluation described in section 311.

(d) SPECIAL RULE.—Any school participating in the demonstration provided for under this title shall comply with title VI of the Civil Rights Act of 1964 and not discriminate on the basis of race, color or national origin.

##### SEC. 306. AUTHORIZED PROJECTS; PRIORITY.

(a) AUTHORIZED PROJECTS.—The Secretary may provide assistance under this title only to a demonstration project that—

(1) involves at least one local educational agency that—

(A) receives funds under section 1006 of the Elementary and Secondary Education Act of 1965; and

(B) is among the 20 percent of local educational agencies receiving funds under section 1006 of such Act in the State and having the highest number of children described in section 1005(c) of such Act; and

(2) includes the involvement of a sufficient number of public and private choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.

(b) PRIORITY.—In selecting grant recipients under this title, the Secretary shall give priority to—

(1) projects in which choice schools offer an enrollment opportunity to the broadest range of eligible children;

(2) projects that involve diverse types of choice schools; and

(3) projects that will contribute to geographic diversity, including States that are primarily rural and States that are primarily urban.

##### SEC. 307. APPLICATIONS.

(a) IN GENERAL.—Any eligible entity that wishes to receive a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) CONTENTS.—Each application described in subsection (a) shall contain—

(1) information demonstrating the eligibility of the applicant and its demonstration project;

(2) with respect to choice schools—

(A) a description of the standards used by the applicant to determine which public and private schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such children;

(B) a description of the types of potential choice schools that will be involved in the project;

(C)(i) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

(ii) a description of how the applicant will annually determine the number of spaces available for eligible children in each choice school;

(D) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children with certificates provided under this title than the school does for other children;

(E) an assurance that each choice school will have been operating an educational program of the same type as the program for which it will accept certificates, for at least one year before accepting such certificate;

(F) an assurance that the applicant will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

(G) a description of the extent to which choice schools will accept certificates as full payment for tuition and fees.

(3) with respect to the participation of eligible children—

(A) a description of the procedures to be used to determine the eligibility of children under this title, which shall include—

(i) the procedures used to determine eligibility for free and reduced price meals under the National School Lunch Act of 1947; or

(ii) any other procedure, subject to the Secretary's approval, that accurately establishes a child's eligibility within the meaning of section 303(2);

(B) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the applicant will—

(i) apply the same criteria to both public and private school children; and

(ii) give priority to children from the lowest income families;

(C) a description of the procedures to be used to ensure maximum choice of schools for participating children, including procedures to be used when—

(i) the number of parents with certificates who desire to enroll their children in a particular school exceeds the number of such children that the school has agreed to accept; and

(ii) grant funds are insufficient to support the total cost of choices made by parents with certificates;

(D) a description of the procedures to be used to ensure compliance with section 309(a)(1), which may include—

(i) the direct provision of services by a local educational agency;

(ii) arrangements made by a local educational agency with other service providers; and

(iii) an increase in the value of the education certificate in accordance with section 308(a)(2)(A);

(4) with respect to the operation of the demonstration—

(A) a description of the geographic area to be served;

(B) a timetable for carrying out the demonstration;

(C) a description of the procedures to be used for the issuance and redemption of certificates;

(D) a description of the procedures by which a choice school will make a pro rata refund of the certificate for any participat-



ing child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the certificate was used;

(E) a description of the procedures to be used to provide the parental notification described in section 310;

(F) an assurance that the applicant will place all funds received under this title into a separate account, and that no other funds will be placed in such account;

(G) an assurance that the applicant will provide the Secretary periodic reports on the status of such funds;

(H) an assurance that the applicant will cooperate with the Secretary in carrying out the evaluation described in section 311; and

(I) an assurance that the applicant will maintain such records as the Secretary may require, and comply with reasonable requests from the Secretary for information; and

(5) such other assurances and information as the Secretary may require.

#### SEC. 308. EDUCATION CERTIFICATES.

##### (a) EDUCATION CERTIFICATES.—

(1) BASIC VALUE.—The basic value of an eligible child's education certificate under this title shall be the cost of tuition and fees normally charged by the public or private school chosen by the child's parents.

(2) INCREASES AND ISSUANCES.—Subject to such regulations as the Secretary shall prescribe—

(A) the value of the certificate may be increased to cover the additional reasonable costs of transportation directly attributable to the child's participation in the demonstration project or the cost of complying with section 309(a)(1); and

(B) education certificates may be issued to parents of children who choose to attend schools that do not charge tuition or fees, to cover the additional reasonable costs of transportation directly attributable to the child's participation in the demonstration or the cost of complying with section 309(a)(1).

(b) ADJUSTMENT.—The value of the education certificate may be adjusted in the second and third years of an eligible child's participation to reflect any increases or decreases in the tuition, fees, or transportation costs directly attributable to that child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent over the value for the preceding year. The value of the education certificate may also be adjusted in any fiscal year to comply with section 309(a)(1).

(c) SPECIAL RULE.—If a participating eligible child was attending a public or private school that charged tuition in the year before the first year of a grant recipient's participation under this title, the basic value of the certificate for such child shall be the tuition charged by such school for such child in such preceding year, adjusted in accordance with subsection (b).

(d) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the basic value of an eligible child's certificate shall not exceed the per pupil expenditure for elementary and secondary education, as appropriate, for the preceding year by the local educational agency in which the public school to which the child would normally be assigned is located.

(e) INCOME.—Certificates, and funds provided under certificates, shall not be deemed income of the parents for Federal income tax purposes or for determining eligibility for any other Federal program.

#### SEC. 309. EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA.

##### (a) EFFECT ON OTHER PROGRAMS.—

(1) IN GENERAL.—Eligible children participating in a demonstration under this title, who, in the absence of such a demonstration, would have received services under part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 shall be provided such services.

(2) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this Act shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act.

(b) COUNTING OF CHILDREN.—Notwithstanding any other provision of law, any local educational agency participating in a demonstration under this title may count eligible children who, in the absence of such a demonstration, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

(c) SPECIAL RULE.—Notwithstanding section 9 of the National School Lunch Act, a grant recipient under this title may use information collected for the purpose of determining eligibility for free or reduced price meals to determine a child's eligibility to participate in a demonstration under this title and, if needed, to rank families by income, in accordance with section 307(b)(3)(B)(ii). All such information must otherwise remain confidential, and information pertaining to income may be disclosed only to persons who need that information for the purposes of a demonstration project under this title.

##### (d) CONSTRUCTION.—

(1) SECTARIAN INSTITUTIONS.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions, except that no provision of a State constitution or State law shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this title.

(2) DESEGREGATION PLANS.—Nothing in this title shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this title.

#### SEC. 310. PARENTAL NOTIFICATION.

Each grant recipient under this title shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served. At a minimum, such notice shall—

(1) describe the demonstration;

(2) describe the eligibility requirements for participation;

(3) describe the information needed to establish a child's eligibility;

(4) describe the selection procedures to be used if the number of eligible children seeking to participate exceeds the number that can be accommodated;

(5) provide information about each choice school, including information about any admission requirements or criteria; and

(6) include the schedule for parents to apply for their children to participate.

#### SEC. 311. EVALUATION.

The Secretary shall conduct a rigorous evaluation of the demonstration program authorized by this title. Such evaluation shall—

(1) describe the implementation of each demonstration project and its effects on all participants, schools, and communities in the project area; and

(2) compare the educational achievement of all students in the project area, including—

(A) students receiving certificates; and

(B) students not receiving certificates.

#### SEC. 312. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each grant recipient under this title shall submit an annual report to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

##### (b) REPORT BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall report annually to the President and the President shall report annually to the Congress on the progress of the local demonstrations, including information submitted by each grant recipient and from other sources.

(2) SUBMISSION.—The Secretary shall submit a report to the President and the President shall submit a report to the Congress on the national evaluation described in section 311 within 9 months after the conclusion of the demonstration projects assisted under this title.

On page 56, line 20, strike "TITLE III" and insert "TITLE IV".

On page 56, line 21, strike "301" and insert "401".

On page 2, after the item relating to section 212, insert the following:

#### TITLE III—LOW-INCOME SCHOOL CHOICE DEMONSTRATION

Sec. 301. Short title.

Sec. 302. Purpose.

Sec. 303. Definitions.

Sec. 304. Authorization of appropriations.

Sec. 305. Program authorized.

Sec. 306. Authorized projects; priority.

Sec. 307. Applications.

Sec. 308. Education certificates.

Sec. 309. Effect on other programs; use of school lunch data.

Sec. 310. Parental notification.

Sec. 311. Evaluation.

Sec. 312. Reports.

On page 2, redesignate the item relating to Title III as the item relating to Title IV.

On page 2, redesignate the item relating to section 301 as the item relating to section 401.

#### PRESSLER AMENDMENT NO. 1477

Mr. PRESSLER proposed an amendment to the bill S. 2, supra, as follows:

On page 56, between lines 19 and 20, insert the following:

#### TITLE III—DISTANCE LEARNING

##### SEC. 301. DISTANCE LEARNING FINDINGS.

Congress finds that—

(1) distance learning technology can provide rural schools with interactive video capacity;

(2) distance learning can provide instruction in required or advanced, specialized courses in schools where teachers are not available or too costly to provide for a limited number of students;

(3) the rapid development of telecommunications technology has resulted in distance learning systems that are powerful, flexible and increasingly affordable;

(4) distance learning can offer an alternative to school closing or consolidation and help rural and urban schools satisfy their educational mandate;

(5) distance learning can help urban school districts overcome shortages in qualified teachers in subjects such as mathematics, advanced sciences, and languages;

(6) the key to success in distance learning is teachers and the use of distance learning is meant to be an enhanced educational tool for them;

(7) teachers must have training, preparation, and institutional support to teach successfully using distance learning technology;

(8) teacher accreditation associations need to encourage the use of distance learning technologies;

(9) Federal and State governments can promote distance learning projects by helping reduce the costs of necessary telecommunications services;

(10) because many educational needs parallel the needs of business, Government, and health care providers, there should be ample opportunity to share the costs associated with research and development used in delivering this new method of teaching;

(11) distance learning technology can increase contributions to the goals of "America 2000", as established by the President;

(12) the Federal Government can encourage States to resolve contentious issues that are barriers to the use of distance learning, such as teacher certification and evaluation, and curriculum and textbook standardization;

(13) Federal funds now devoted to delivering educational services should include distance learning where it is cost effective;

(14) The Department of Education and the National Science Foundation should consider establishing demonstration sites for distance learning;

(15) distance learning is a growing force in private and public education; and States, localities, the Federal Government, and the private sector, all have a role in developing and implementing this education delivery system.

#### SEC. 302. DISTANCE LEARNING POLICY STUDY.

(a) STUDY.—The Secretary of Education in consultation with the Secretary of Commerce shall conduct a study of the issues involved in implementing distance learning. The study shall, among other issues, address—

(1) the incentives necessary for telecommunications common carriers to develop special pricing for distance learning projects;

(2) the desirability of Federal Communication Commission allocation of spectrum in order to encourage the development of distance learning technologies;

(3) the need to amend copyrights laws to encourage development of distance learning technologies.

(b) COMPLETION DATE AND REPORT.—

(1) COMPLETION DATE.—The study described in subsection (a) shall be completed no later than 210 days after enactment of this Act.

(2) REPORT.—No later than 30 days after the completion of the study described in subsection (a), the study and an executive summary shall be transmitted to the Committee on Education and Labor, the Committee on Energy and Commerce, and the Committee on the Judiciary, of the United States House of Representatives; and the Committee on Commerce, Science, and Transportation, Committee on the Judiciary, and the Committee on Labor and Human Resources, of the United States Senate.

#### SEC. 303. DEFINITION.

The term "distance learning" means the transmission of educational or instructional information to geographically dispersed individuals and groups via telecommunications.

On page 56, line 20, strike "TITLE III" and insert "TITLE IV".

On page 56, line 21, strike "301" and insert "401".

On page 2, after item relating to section 212, insert the following:

#### TITLE III—DISTANCE LEARNING

Sec. 301. Distance learning study.

Sec. 302. Distance learning policy study.

Sec. 303. Definition.

On page 2, redesignate the item relating to "TITLE III" as the item relating to "TITLE IV".

On page 2, redesignate the item relating to section "301" as the item relating to section "401".

#### HELMS (AND OTHERS)

##### AMENDMENT NO. 1478

Mr. HELMS (for himself, Mr. HATCH, Mr. NICKLES, Mr. WALLOP, Mr. ROTH, Mr. SYMMS, and Mr. CRAIG) proposed an amendment to the bill S. 2, supra; as follows:

At the appropriate place add the following:

It is the sense of the Senate that when the Supreme Court considers the case of *Weisman v. Lee* [908 F.2d 1090 (1st Cir. 1990)] it should use that opportunity to reverse the Supreme Court's earlier holdings in the *Engel v. Vitale* [370 U.S. 421 (1962)] and the *Abington School District v. Schempp* [374 U.S. 203 (1963)] cases so that voluntary prayer, Bible reading, or religious meetings will be permitted in public schools or public buildings to the extent that student participation in such activities is not required by school authorities.

#### NICKLES (AND OTHERS)

##### AMENDMENT NO. 1479

(Ordered to lie on the table.)

Mr. NICKLES (for himself, Mr. KASTEN, Mr. SMITH, Mr. D'AMATO, Mr. COATS, Mr. SYMMS, Mr. THURMOND, Mr. HELMS, and Mr. WALLOP) submitted an amendment intended to be proposed by them to the bill S. 2, supra, as follows:

At the appropriate place add the following new section:

SEC. . STATE OPTION TO ESTABLISH LEARNFARE PROGRAMS.—Section 402(a) of the Social Security Act is amended—

(1) by striking out "and" after paragraph (44);

(2) by striking out the period at the end of paragraph (45) and inserting in lieu thereof "and;" and

(3) by adding at the end thereof the following new paragraph:

"(46) at the option of the State, provide that the needs of an individual will not be taken into consideration (or will be taken into consideration only in part) under paragraph (7) for any month if such individual—

"(A) is over the age specified in the applicable State compulsory school attendance law at which a child must begin to attend school, but under the age of 16, and

"(B) has, as determined by the State agency, failed without good cause to regularly attend an elementary, secondary, vocational school, or other appropriate school;

but if the needs of an individual are not considered (or are considered only in part) by reason of this paragraph, he shall still be considered to be receiving aid under this part for purposes of determining the eligibility for such aid of any other individual to whom paragraph (7) applies, and for purposes of determining eligibility for medical assistance under the State's plan approved under title XIX."

#### HATCH (AND OTHERS)

##### AMENDMENT NO. 1480

Mr. HATCH (for himself, Mr. GARN, Mr. COATS, Mr. CRAIG, Mr. SYMMS, and Mr. NICKLES) proposed an amendment to the bill S. 2, supra, as follows:

On page 2, in the table of contents, after the item relating to section 212 insert the following:

TITLE III—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 301. Amendments to the Elementary and Secondary Education Act of 1965.

On page 2, in the table of contents, redesignate the item relating to title III as the item relating to title IV.

On page 2, in the table of contents, redesignate the item relating to section 301 as the item relating to section 401.

On page 56, between lines 19 and 20, insert the following:

TITLE III—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 301. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

(a) SHORT TITLE.—This title may be cited as the "Educational Equity Act of 1991".

(b) AMOUNT OF GRANTS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) in subparagraph (A) of section 1005(a)(2), by striking the second sentence and inserting "The amount determined under this sentence shall be the average per pupil expenditure in the United States."; and

(2) in each of sections 1201(b), 1221(c), and 1241(b), by striking "in the State (or (A) in the case where the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, of 80 percent of the average per pupil expenditure in the United States, or (B) in the case where the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, of 120 percent of the average per pupil expenditure in the United States)" and inserting "in the United States".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1992.

On page 56, line 20, strike "III" and insert "IV".

On page 56, line 21, strike "301" and insert "401".

#### WELLSTONE (AND OTHERS)

##### AMENDMENT NO. 1481

Mr. WELLSTONE (for himself, Mr. PELL, and Mr. DODD) proposed an amendment to the bill S. 2, supra, as follows:

On page 2 of the Committee amendment, in the table of contents, strike the items relating to title III of the amendment and insert the following:

#### TITLE III—PEACE CORPS

Sec. 301. Findings.

Sec. 302. Sense of the Senate.

#### TITLE IV—DEFINITIONS

Sec. 401. Definitions.

In title III of the Committee amendment, strike the title heading and all that follows through "SEC. 301. DEFINITIONS." and insert the following:



## TITLE III—PEACE CORPS

## SEC. 301. FINDINGS.

The Senate finds that—

(1) the Peace Corps Act stated that the Peace Corps was established—

(A) to help the people of interested countries and areas to meet their needs for trained manpower;

(B) to help promote a better understanding of Americans on the part of the people served; and

(C) to help promote a better understanding of other peoples on the part of Americans;

(2) the former Union of Soviet Socialist Republics no longer exists, and in its place a Commonwealth of Independent States has been established, along with other newly independent republics;

(3) on December 25, 1991, President Bush indicated the United States intends to extend diplomatic recognition to Moldova, Turkmenistan, Azerbaijan, Tadjikistan, Georgia, and Uzbekistan, when the United States reaches agreements with each public regarding human rights, democratization, economic reform, and the establishment of responsible security policies;

(4) on December 25, 1991, the United States extended formal diplomatic recognition to Russia, Ukraine, Armenia, Kazakhstan, Belarus, and Kyrgyzstan;

(5) the needs of the successor republics of the former Union of Soviet Socialist Republics for technical and humanitarian assistance are dire, and growing daily;

(6) the governments of several republics under the former Union of Soviet Socialist Republics have indicated interest in receiving public and private technical assistance from the United States in the areas of agriculture, health care, business, education, and other areas;

(7) the Peace Corps has in recent years successfully met the challenges of assisting the Eastern European states of Poland, Hungary, Czechoslovakia, Bulgaria, and Romania, and has already begun to assess the needs of the Baltic Republics and of the former Soviet republics for such assistance;

(8) Peace Corps volunteers represent tangible support on the part of the American people for the efforts of the republics to establish market economies, democratic institutions, and low-cost, effective programs of technical assistance in the areas described in paragraph (6); and

(9) the President has indicated his support for the introduction of Peace Corps volunteers into the successor republics of the former Union of Soviet Socialist Republics.

## SEC. 302. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the Peace Corps should move promptly and effectively to assess needs and establish programs in each of the republics of the former Union of Soviet Socialist Republics into which the Peace Corps has been or may be invited, in order to introduce appropriate numbers of Peace Corps volunteers into republics requesting assistance; and

(2) the President should continue to support and should accelerate the introduction of Peace Corps volunteers into the republics of the former Union of Soviet Socialist Republics.

## TITLE IV—DEFINITIONS

## SEC. 401. DEFINITIONS.

## NOTICES OF HEARINGS

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my col-

leagues and the public that two hearings have been scheduled before the Committee on Energy and Natural Resources.

The purpose of both hearings is to receive testimony on two of the Federal Energy Regulatory Commission's pending natural gas rulemakings: First, the notice of proposed rulemaking [MOPR] regarding pipeline service obligations in docket No. RM91-11-000, the so-called Mega NOPR; and second, order No. 555 concerning revisions to regulations governing authorizations for the construction of natural gas pipeline facilities.

The first hearing is scheduled for Wednesday, January 29, 1992, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC. At this hearing the committee will receive testimony from representatives of the natural gas industry and others affected by the Federal Energy Regulatory Commission's rulemakings.

The second hearing is scheduled for Wednesday, February 5, 1992, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC. At this hearing the committee will receive testimony from representatives of the Department of Energy and the Federal Energy Regulatory Commission.

Because of the limited time available for the hearings, witnesses may testify by invitation only. Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Don Santa.

For further information, please contact Don Santa of the committee staff at (202) 224-4820.

## AUTHORITY FOR COMMITTEES TO MEET

## SUBCOMMITTEE ON SECURITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Thursday, January 23, 1992, at 10 a.m. to conduct a hearing on the findings and conclusions of the joint Treasury/Federal Reserve/SEC Report on Illegal and Improper Activities in the Government Securities Market and Proposals for Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, January 23, beginning at 9:30 a.m., to

conduct a hearing on nuclear licensing provisions in S. 1220, the National Energy Security Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on January 23, 1992, at 10 a.m. to hold a hearing on Japan trade concessions.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, January 23, 1992, at 10 a.m., to receive testimony on future requirements for U.S. nuclear weapons.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## COMMENDING BREC

• Mr. JOHNSTON. Mr. President, today I would like to take a moment to recognize and commend the Recreation and Park Commission for the parish of east Baton Rouge which is located in my State of Louisiana.

BREC, as the commission is known, has been named recipient of the highly prestigious National Gold Medal Award for Excellence in Park and Recreation Administration. I am very proud of BREC and their long list of accomplishments over the years.

Always a high priority on BREC's list are Louisiana's children. Whether it's one of their countless sports clinics, organized sporting teams or summer camps, or the newly built children's zoo, BREC consistently keeps our State's children in mind when setting their goals.

Along with their concern for our children is BREC's ongoing commitment to our underprivileged youth. Through BREC's fundraising efforts, 500 disadvantaged youths are able to attend their over 40 different summer camps each year.

For the physically disabled BREC's playgrounds are not only designed to be accessible and usable for the handicapped, but are also fun and challenging. One particular innovative facility is BREC's \$2.5 million equestrian complex which offers a variety of riding clinics and activities with a proven therapeutic value for the physically and mentally handicapped.

For the senior citizens BREC offers a variety of classes, self-help programs and several free health services.

The list goes on and on: BREC's sponsorship of the River City Blues Festival which brings together our area's experienced and new artists, the National

Hot Air Balloon Festival which BREC has sponsored for the last 3 years and draws over 400,000 spectators, BREC's role in hosting the Louisiana State Fair, their many environmental conservation and historic preservation projects, their arboretum which houses over 300 specimens of native plantlife, and their outstanding management of over 137 parks.

There are so many lives that have been impacted by BREC that it is practically impossible to come up with a complete list. However, a recent poll conducted in the Baton Rouge area seems to sum it up perfectly: In 93 percent of the households responding it was found that at least one member had participated in a BREC activity.

To all the fine and dedicated people that have made BREC the enormous success it is today, I would like to express my gratitude for their steadfast commitment to improving the quality of life for the citizens of Louisiana.●

#### EXPORTING TO THE BALTICS

● Mr. KASTEN. Mr. President, American jobs are directly linked to expanding our Nation's small business exports. The emerging markets in the Baltic States and Eastern Europe provide new export opportunities for United States small business.

I have been a strong supporter of Baltic freedom. Now that they have achieved political freedom, it is time to help them achieve economic freedom. To do this, the United States must move beyond aid to the Baltics and Eastern Europe towards a mutually beneficial trade relationship. These countries need Western technology and equipment to achieve economic success. And as these economies grow, they provide new markets for U.S. businesses which means jobs for U.S. workers.

On November 21, I cochaired a hearing held by the Senate Small Business Committee to address these issues. Ivars Zusevics, an architect from Greendale WI, has helped link Latvia with the Wisconsin Baltic-American community. His insights were a valuable contribution to our effort to expand exports to the Baltics.

Mr. President, I ask that Mr. Zusevics' testimony be printed at this point in the RECORD.

The statement follows:

STATEMENT OF IVARS ZUSEVICS, MANAGING COUNTY ARCHITECT, MILWAUKEE COUNTY PUBLIC WORKS, MILWAUKEE, WI

On behalf of the Baltic American community in Wisconsin, I would like to thank Senator Kasten for the opportunity to be here today.

My observations apply largely to Latvia, but I am sure the conditions are very similar in Estonia and Lithuania. My comment are based on personal trips to Latvia twice during the last 2 years; most recently this summer and also in the early 1980's. I have also had contacts with various lower-level gov-

ernment officials in Latvia and academic professions. Also, just the average man in the street, my relatives.

First of all, some personal observations, gut feelings, surely nothing scientific. People in the Baltics—the average person—is very interested in working, producing, creating a market economy, but they are not sure how to proceed.

They want to start the race. They are not sure in which way to run. The information I got from my relatives and others indicated that the average person is confused by government policies. The government may have policies in place, but it is not well known. The local governments need to have a better PR campaign. This confusion is in the minds of the average person. That is my reading of the situation.

There is a sense of "nothing to lose" for many. They are willing to take large risks because they see that they have no other way out. There is a tremendous potential energy in the Baltics that can be harnessed and harvested. Everyone seems to want business partners in the Baltics.

So, when I was there in the last 2 years, I was offered business partnerships in housing, in restaurants, in brick factories; you name it. American businesses going into the Baltics should be very prudent who they deal with and how they approach the situation.

Americans should also expect some conflicts in value systems; our value systems, Western value systems versus their value systems. They still are carrying the ball and chain of communism in their psyches. It is very easy to topple the statue of Lenin. It takes a few hours. To rid themselves of a certain mentality will take time.

Americans should be sensitive—not Americans only, but Westerners should be sensitive to Baltic concerns of new Western economic colonialism replacing the Eastern colonialism. This is also what I read from the average person. They are concerned now that they have gotten rid of one master, another master will somehow force themselves on them.

As Mr. Johnston said, there are massive opportunities in the Baltics in terms of business. They need everything that we can possibly imagine. First of all, they need to build their infrastructure. The roads in the countryside are largely gravel. It is hard to get their goods to the market.

Pollution control industries and telecommunications are potentially inviting. It is hard to make a phone call. Try and get a phone call through 50 miles away, it took me four times. It's very hard, but very important for business development.

Building construction, in general, as Mr. Johnston said, is another area. There is a massive market for temporary housing. People cannot move to where the jobs are because they have no place to move to. They have no place to live.

Energy conservation materials, insulation, windows, furnaces, kitchen and bathroom upgrading; those kinds of basic small businesses are very much in demand. I can imagine Wisconsin's substantial plumbing, fixture and window manufacturing industry going to the Baltics. They would have a field day in a country where virtually all windows need replacement and all plumbing fixtures need remodeling or need replacement.

Latvia, for example, is roughly half the size of Wisconsin. That is a very large market where everything needs replacing. Family oriented service industries are also important. Daily life is very difficult for the housewife, for the homemaker. Anything

that will help them save time, including, for example, basic health services, dentistry, family planning services, laundry and cleaning facilities, children's clothing supply, auto repair, food packaging, grocery stores, one-stop shopping like we have here, movie theaters, restaurants, et cetera.

Anything that can help minimize the harsh edges of daily life that they have in their society. Also, in general, industries which take advantage of Baltic natural resources, ports, fishing, agricultural industries and lumber-related manufacturing are potential opportunities for the United States.

We have some benefits. The United States definitely has benefits for Baltic investment. First of all, if we can help stabilize to a certain level each of their economies, then we can show the rest of the former Soviet Union that something is possible, that reform is possible. If we can show that, then perhaps the transition that they are going through will be softer. It will not be as harsh.

The Baltics are small enough and Westernized enough for a United States business to test market products and procedures before they enter the larger Soviet market. The Baltics understand the Soviet mentality. In this case, it is a positive and negative. The Baltics are a prime location, a starting point, with which American business can get a foothold or a toehold into the Soviet marketplace.

The Soviet Union has vast, as we all know and have heard, has vast potential markets. Clearly, if we are interested in that, and I am sure we are for our people and our jobs in this country, the Baltics are the place to start entering that marketplace. It is the safest most conservative way to enter an environment that is very risky.

My conclusions: obviously, the United States Government has done some of the things that I have noted in my written comments. They have supplied about \$14 million for the beginning of privatization funding, economic and education programs in the Baltics.

I would like to stress that the Baltics are not interested—of course, I cannot speak for the Baltic Government, I speak for myself—that they are not interested in foreign aid as we have known it. They don't just want millions and billions of dollars every year with no return.

We should look at investment in the Baltics as an investment expecting some return for our business people, our manufacturing in the future. So, it is not aid. It is investment. I think that distinction is important to be made.

In Milwaukee, I am not sure if people know how many businesses know about the opportunities in the Baltics. The United States Government could make public education a priority for businesses so that they know about the potential investment opportunities.

Also, there are many Baltic Americans in this country, largely Lithuanians, but also Latvians and Estonians who would like to become involved in this process. United States businesses can use these resources that are here in this Nation as a transition for business investment in the Baltics.

A final personal note, if I may. During January, during the violence in Lithuania and Latvia, my entire family was under the barbed wire in Riga. They are convinced that if the U.S. Senate and the Government would not have supported—would not have put the brakes on Gorbachev and the Red army, things would have been much more violent and much worse. Since they cannot be here to thank you, I would like to thank you.●



# SANDS OF TIME WARN OF THE INEVITABLE

• Mr. SIMON. Mr. President, when I first started in the newspaper business at the age of 19, the president of the Illinois Press Association was an unusually fine gentleman, who went out of his way to be good to me. His name: Charles W. Mills, better known as Charlie Mills. He published the newspaper in Vandalia, IL, and over the years, I have come to have great respect for Charlie Mills.

In 1979, he sold the newspaper, but since that time, he has still been going into the office each day and writing his column, being very much a part of the newspaper and of the community.

He has decided that he and his wife are going to relax a little more and travel and enjoy life a little more, and he signed off on his last regular column. He still intends to write a column whenever he feels like it.

Vandalia, IL, has been fortunate to have Charlie Mills, but the State of Illinois and the Nation is fortunate to have solid, substantial citizens like Charlie Mills who have a great sense of responsibility.

At this point, I ask to insert into the RECORD his final regular column titled, "Sands of time warn of the inevitable."

The column follows:

[The Vandalia (IL) Leader-Union, Jan. 1, 1992]

## SANDS OF TIME WARN OF THE INEVITABLE

(By Charles W. Mills)

Carl Sandburg said it:

"I tell you, the past is a bucket of ashes!" That being the case, I have spent the past 12 years sifting through those ashes looking for bits of history about Vandalia. I searched those dusty remains for things that would refresh memories about how we lived, what interested us, and how our lifestyles have changed. It was from those ashes I was able to put together a number of my columns.

Until I sold the newspaper, in 1979, I never felt I had the time to write a personal column. I had too many other pressing matters . . . like meeting press deadlines and coming up with enough money to meet the weekly payroll. But when the new owners of The Leader-Union invited me to stay on, to help out wherever there might be a need and pass along a little fatherly advice, I accepted. Because I had a free rein, writing a column became one of my priorities.

Putting together a column has been a real challenge, but a very rewarding and enjoyable experience. It has been a learning experience, too. I have found out many things about our community that I had forgotten about or never knew about.

But time moves on.

Carl Sandburg didn't say what follows. I'm not sure anyone did. It is just something I made up to help explain how I solved a dilemma.

The thought occurred to me that one's life span might be compared to an hour glass . . . except for one big difference. We are not privy to seeing how many grains of sand are in that upper compartment of the glass. And, unlike shop-made hour glasses, our personal glasses have been loaded with different amounts of sand. For some people, those grains run out much too soon.

When we were born, those tiny grains of sand began trickling down, through that narrow center tube of the glass, one grain for each year. When we were young we scarcely gave a thought to the fact that we wouldn't live forever. However, one only needs to examine that "bucket of ashes" to realize that none of us is immortal.

So, when one has been lucky enough to still be around at 76 (as I soon will be), and you see that lower compartment of your hour glass almost full, you have to wonder . . . how many more grains of sand are yet to fall?

Those "sands of time" prompted me to make a decision about the rest of my life. It was a most difficult decision to make. And, as you can see, I've gone around the bush to tell you that as soon as I finish this column I'm going to put the cover on my old trusty Underwood typewriter, tuck it under my arm and head for home.

As the saying goes, it is time to get out and "smell the roses" while I still can. Besides, I owe it to Jane, my wife of 53 years, for all those years she sat at home while I was out covering basketball games, meetings or out taking pictures. There are things to do together, places to go and people to see while we are both mobile . . . at least to a degree. 1992 seemed like a good time to start.

After 55 years in the newspaper business, it isn't easy to walk away from a lifetime of blood, sweat and tears that went into running a newspaper. Actually, it has been fun, and it has had its rewards. It was something I really enjoyed doing . . . otherwise, I wouldn't have been here this long.

When I started working at The Leader in 1937 we were just beginning to pull out of the "Great Depression." Things were tough all around. Today, as I prepare to take leave, it's "here we go again." The government has finally acknowledged what we knew all along . . . that we are in a recession. I'm not sure how that differs from a depression. It's a fine line.

At any rate, I do have many concerns for the future of this country. I only wish I could do more to help with solutions.

We are running out of places to "hide" our garbage and nuclear waste. Our roads, bridges and buildings are decaying at a rate faster than they can be replaced or repaired. Our schools are battling criticism that they are not educating our children properly while claiming they cannot provide quality education without more money.

Our small towns have big problems, too. I am greatly bothered to see all of the empty store fronts in Vandalia and know that there is little hope of reviving what was once a thriving business district of mom and pop stores. Those stores were run by people interested in Vandalia and who for the most part, contributed their talents, leadership and money to improving this city.

When we remove the ribs and backbone from that which supports our community, there is bound to be decay.

Farmers, who have been the basic consumers of goods in this country almost from its inception, are struggling to stay in business after several years of drought and low market prices.

And, don't forget the old folks. That include me. Times are getting tougher for them, too. Medical costs are unreal. Savings are wiped-out for those who once thought they had enough of a nest egg to sustain them for their final years.

Crime, drugs and gambling add to our problems. People are afraid to leave their homes and, even in their homes, they are no

longer safe. Some folks would rather spend their money for lottery tickets or bet a bundle at a riverboat crap table then use that money for something in their hometown.

And, last but not least, there is the greed factor. We see it everywhere. It's not only in government, but in places and institutions that were set up to help us \* \* \* not rob us.

We have become a nation of people who expect all of the niceties of life, but we expect the other fellow to pay for them.

I know I must sound pessimistic, but let me add that I believe there is hope. It is going to take a coming-together of many people in a concerted effort, and a willingness to share some of the burden, to pull us out of this rut.

Just look what happened when a mass of Vandalia TV viewers got together. We got channels 3 and 8 back, didn't we?

I'll get off my stump now!

In closing, I offer my thanks to Larry Coffey, president of Landmark Community Newspapers, for allowing me to continue to work these past 12 years. Also a big thank you to all of the people at The Leader-Union, from Manager Dave Bell on down. They have been very supportive and helpful. Several on the staff date back with me to the days when we put out the paper the old fashioned way \* \* \* with hot metal. I'm going to miss them all. But I feel confident the paper is in good hands, and those hands will continue to make their presence known in the community by putting out one of the best semi-weekly newspapers in Illinois.

And, I am indebted to those who have let me know they enjoyed the columns I have been writing. It has been my pleasure serving you. Your comments truly made my day.

If there aren't too many "honey-do" jobs on the list when I get home, I may uncover the old typewriter and "kick-out" a column now and then.

Right now it's time to tend those roses!

Thanks for listening. •

## A TRIBUTE TO ROBERT R. GLAUBER

• Mr. WIRTH. Mr. President, I want to take this opportunity to thank my friend and classmate, Bob Glauber, for the fine job he has done as Under Secretary for Finance of the Treasury. Bob leaves this month after nearly 4 years in Washington, an especially great contribution, given two small children who have scarcely seen him over this time.

Bob made a great contribution changing the laws and guidelines surrounding the thrift industry. He labored mightily on bank reform legislation and has consistently reminded us of the value and discipline of our market system. As I thank him and note that we shall miss him, I wish him well at the Kennedy School, and hope that we can continue to count on his advice and counsel in the difficult months ahead.

I ask that an article appearing in the January 15, 1992, New York Times be printed in the RECORD following my remarks.

The article follows:

### A MARKETS EXPERT IS DEPARTING THE POLITICAL SCENE

(By David E. Rosenbaum)

WASHINGTON, Jan. 14.—The main thing he learned in Washington, said Robert R. Glauber

ber, who is resigning Friday as Under Secretary of the Treasury for Finance and returning to academic life, is that there is no clean mechanism here to resolve conflicts.

On Wall Street, his academic specialty, "the markets force issues to a resolution," he said.

"They add up and weigh all the conflicting arguments," he continued. "Then, you either sell the stock or you don't sell the stock. It either goes up in price, or it goes down in price. You never have a stalemate."

But in government, he went on, summing up in a long interview his experiences here, "everything is negotiated."

"There are all these power centers, all these lobbying groups," he said. "When there are conflicting arguments, it is very difficult for anyone to add them up and weigh them, and more times than not, you get stalemates."

Mr. Glauber, who is 52 years old, is in an unusual position to make such a comparison. For more than 20 years, he was a professor at the Harvard Business School and one of the foremost academic authorities on the economics of the financial markets.

Then, in the fall of 1987, he was hired as the top staff member of Nicholas F. Brady's Presidential commission to explore the causes of that October's stock market crash. When Mr. Brady became Treasury Secretary the next year, he named Mr. Glauber to the department's No. 3 post.

It is extremely rare for someone with academic credentials like Mr. Glauber's and with no government or political background to be given such a central policy-making job in Washington. But he was thrown into some of the hottest political issues in town, and he showed no reluctance to get his fingernails dirty.

Over the last four years, he won some battles and lost some. The 1989 law that overhauled the way the Government regulates the savings and loan industry was in large part his doing. He persuaded his superiors in the Bush Administration to propose far-reaching changes and won support for them in Congress.

On the other hand, his attempt to rewrite the banking laws and rid them of restraints that were first adopted in the 1930's ended up in Congress's scrap heap last year. President Bush proclaimed it his top legislative priority. But to Mr. Glauber's disappointment, the President never really threw his weight behind the measure, and absent that, such controversial legislation never stood a chance.

At Harvard, he was used to tackling arcane issues. "In the academic world," he said, "the longer and more complicated the logical chain, the more people like it."

But in Washington, he said, he quickly realized that he could not get others to sit still for such arguments. "People down here are so busy they don't have a tolerance for great complexity," he said. "So you have got to find a simple melody. People can't hum complicated tunes. It's got to be simple enough that they can remember it."

He used that maxim when he was trying to sell Congress on changing the standards governing savings and loan associations. Some of the industry's lobbyists had persuaded friendly lawmakers that changing rules after deals had been made was unfair.

Mr. Glauber recalls that he carried the day with an analogy. If a new model of airplane crashed the first two times it flew, Mr. Glauber told the lawmakers, Federal aviation authorities would surely ground the plane even if its airworthiness had once been certified.

Another Washington idiosyncrasy he said he had not comprehended in his academic days is that top officials here are not expected to read or write. They get their information mostly through oral briefings. And they have large staffs to write their speeches, letters and other materials.

"I was used to writing everything that had my name on it," he said. "Here I got to write nothing I supposedly wrote. Here when you said you wanted to write something, people looked at you as if you were crazy. That's what you have a big staff for."

#### TIME WITH THE FAMILY

Someday, he said, he might enjoy being in the Government again. But not soon. He and his wife, Muffy, have a 7-year-old son and a 4-year-old daughter, and he intends to spend much more time with them.

"It isn't simply that you work longer down here," he said, "it's that you have no control over when you work. Problems arise, and you have to respond to them. But you do work harder. I came to the office at 7:15 or 7:30 in the morning, and I got home at 8 or 8:30 at night. You don't do that at Harvard."

Mr. Glauber was away from Cambridge so long he had to relinquish his tenure at the Business School. But he is going back to Harvard nonetheless, to lecture at the John F. Kennedy School of Government and to resume a lucrative side career as consultant, mostly to money center banks.

No announcement has been made about his replacement. Most likely, it will be someone already in the Government, possibly one of his top assistants—Jerome H. Powell, Assistant Secretary for Domestic Finance, or Sidney L. Jones, Assistant Secretary for Economic Policy.

As for Mr. Glauber, unlike many when they leave the Government, he has no intention of lobbying. But he does not mean to waste what he learned here. So if anybody needs a consultant with almost four years of experience at the very top of the Treasury.

#### COMMENDING DEREK WISHOWSKI

• Mr. KOHL. Mr. President, I rise today to applaud the effort of a brave 17-year-old student. It has come to my attention that on November 6, 1991, Derek Wishowski of Ladysmith, WI, saved a 76-year-old woman whose car had fallen into the Flambeau River. Mrs. Anderson's car lost control when it hit an ice path, the car overturned into the river, leaving the woman helpless in the icy Flambeau. Derek and two friends were in a car behind the woman when he saw her lose control. The young man fearlessly plunged through the freezing water to the car 15 feet from shore. Meanwhile his friends, Kim Bishop and Heather Beebe, went to get help. Water was rushing into the car while Derek tried to force the door open. Derek was able to open the door wide enough to get Mrs. Anderson out and save her. Mrs. Anderson, fortunately, only had minor injuries. The Rusk County Sheriff's Department honored Derek Wishowski at a Veteran's Day ceremony at Ladysmith High School.

Derek exemplifies an American hero. If there are more students like him, the United States will be in good shape for the future. The State of Wisconsin is lucky to have Derek Wishowski.

#### A WOMAN'S RIGHT TO CHOOSE

• Mr. GLENN. Mr. President, I rise today, following the 19th anniversary of the Supreme Court's Roe versus Wade decision, to reaffirm my commitment to the protection of a woman's right to choose whether to have an abortion.

Recently in Washington, DC, and across the Nation, a number of arrests were made of people blocking abortion clinics and obstructing the constitutional right of others to choose what they would do with their bodies. Both the Supreme Court and Congress are flooded with letters from people challenging the Court's Roe versus Wade decision.

But I am bolstered by the outpouring of letters from those who feel as I do; that the right to choose to have an abortion is a constitutionally guaranteed privacy right, upheld by the Supreme Court and supported by the majority of American people.

In Roe versus Wade, the Supreme Court recognized a woman's right to choose, and defined the boundaries of that choice. Nineteen years later, the Court decided the case of Webster versus Reproductive Health Services which gave individual States more leeway in deciding whether and how to restrict abortions.

Many State legislatures, recognizing the constitutionality of the Court's decision in Roe, did not tamper with the right to choose as recognized under Roe. A few States, however, Louisiana, Pennsylvania, and Utah most notably, used authority under the Webster decision to restrict abortion rights.

The Supreme Court has agreed to rule this year on Pennsylvania's restrictive abortion law. That law imposes a mandatory 24 hour waiting period before an abortion can be performed, requires parental consent before a minor can get an abortion, and requires spousal consent if the woman seeking an abortion is a married woman.

In hearing the Pennsylvania case, the Court will have to address the scope of constitutional protections for abortion rights. The Court will have to consider the key question of whether the fundamental constitutional right to privacy under Roe versus Wade will continue to embrace the right to a safe, legal abortion.

I can only speculate, along with the rest of the country, on how the Court will rule on this issue. The Court currently consists of only two Justices whose support for abortion rights is known: Justice Harry A. Blackmun, who wrote the Roe versus Wade decision, and Justice John Paul Stevens.

This country has come a long way since the pre-Roe versus Wade days of back alley abortions. I hope that the Court will, in its wisdom, rule to keep abortion safe and legal.



## A TRIBUTE TO JOHN GAW MEEM

• Mr. WIRTH. Mr. President, early in this New Year, the New York Times ran a long article on John Gaw Meem, the visionary-missionary architect of the Southwest. His wonderful design and sense of history remind us of the rich heritage of the American Southwest. I wish to share this heritage with my colleagues in the Senate and ask that an article appearing in January 9, 1992, edition of the New York Times be printed following my remarks.

The article follows:

## A VISIONARY OF TODAY'S SANTA FE

(By Patricia Leigh Brown)

SANTA FE, NM.—Before the Range Rovers, the howling coyote sculptures and Santa Fe (the fragrance), there was an architect named John Gaw Meem, whose wildly romantic Spanish Pueblo revival houses, built primarily in the 1930's, set the stage for it all.

Mr. Meem arrived in this luminous landscape of pifon and juniper in 1920. From 1924 until his death in 1983, he designed houses and churches, municipal and university buildings that married the spirit of native pueblo architecture with the necessities of the modern world.

With deliberately battered corners and other atmospheric effects, he created what Chris Wilson, a cultural historian, calls "pueblo getaways from the modern world." Despite the recent preponderance of blue-corn gourmets and Anglos longing to be Navajos, Mr. Meem's imagery—exotic fantasies of life in the Southwest—endures.

His houses, which number around 150 in and around Santa Fe, were designed for wealthy, spirited clients, including East Coast sophisticates and women of opinion. In the early 1930's, Amelia Beard Hollenback, who was the first woman to photograph a Hopi snake dance, instructed Mr. Meem: "I want something extremely informal that will let us amuse ourselves with old ways and old things, but may Heaven preserve it from looking Arty!"

"Daddy was fortunate in having very paternalistic clients," said Nancy Wirth, Mr. Meem's daughter, who still lives where she grew up, in a two-story stone house designed by her father in 1937. "He used to say that the best clients were the ones who sat down with him, told him what they wanted and then went to Europe for the year."

Mr. Meem's influence is found in the portals of the Plaza in Santa Fe, which were added in 1969; in a 1929 renovation of La Fonda Hotel; in the Laboratory of Anthropology, and in the main campus of the University of New Mexico in Albuquerque, which contains some 30 buildings designed by Mr. Meem.

But it extends to more than his architecture. As chairman of the city Planning Commission, he helped develop the city's first master plan in 1947, which helped protect the character of downtown Santa Fe.

As chairman of the New Mexico Society for the Restoration and Preservation of New Mexico Mission Churches, Meem the preservationist personally restored dozens of historic mission churches, including those at Acoma, Laguna and Zia pueblos.

Today, the cult of John Gaw Meem, who was an engineer by training and never completed his formal architectural training, flourishes among regional architects. Last summer, the Historic Santa Fe Foundation, a private preservation group, organized a

special John Gaw Meem house tour. "He's arguably the single most important person in the way the city looks today," said Mr. Wilson, who is writing a book for the University of New Mexico Press called "The Myth of Santa Fe." His buildings, Mr. Wilson added, "still serve as the ideal image of Santa Fe style."

In other words, John Gaw Meem made Santa Fe safe for Ralph Lauren.

Mr. Meem drew inspiration from regional architecture, but his designs were very much his own. In a 12-room summer house built in 1930 for Eleanor Brownell and Alice Howland near Bishop's Lodge, it is necessary to duck one's head and step high over the raised thresholds when passing through the antique doors. To simulate the earthen floors of early New Mexican houses, which were treated with ox blood to keep them free of dust, Mr. Meem used a dark-brown mastic covering somewhat like linoleum.

## A HACIENDA LOOK

The house is arranged like a traditional hacienda, with a chain of rooms gathered around a placita, or open courtyard. The late architectural historian Bainbridge Bunting, who wrote a monograph on Mr. Meem, referred to such houses as "inscapes," a poetic meeting of pueblo spirit and the material world.

Laban Wingert, a Santa Fe architect, has the delicate task of helping a couple who remodeled the house unsympathetically bring it back to Mr. Meem's original plan. "Mr. Meem had such a wonderful sense of form," he observed. "Every corner and projection was thought out."

Each Meem house is a miniature world: quiet, comforting spaces with flickering fireplaces that keep the tumult of the modern world at bay. Like the houses of the California architects Greene & Greene, they seem both aged and ageless, appearing to have magically sprouted from the soil.

These days, cutesy shops overrun the Plaza and the most authentic-feeling place downtown is Woolworth's. It is difficult to imagine that in 1920, the pueblo style, which now attracts tourists like flypaper, was on the decline.

## TRADITIONAL FORMS

When Mr. Meem first came to Santa Fe, to recuperate from tuberculosis, the vogue was not flat-roof adobe dwellings but pitched-roof houses with expanses of glass imported from St. Louis and Kansas City. Along with the artist and photographer Carlos Viera and others, Mr. Meem advocated a return to vernacular styles, the more weathered-looking and beat-up, the better.

"Some old forms are so honest, so completely logical and native to the environment," he once wrote, "that one finds—to one's delight and surprise—that modern problems can be solved and are best solved by use of forms based on tradition."

Santa Fe was hardly the typical small town, even in 1920. It was the adventurous bohemian's alternative to Paris and Greenwich Village. During his stay at the Sunmount Sanatorium, Mr. Meem hobnobbed with other wealthy patients. As there is today, there was an unusual abundance of potential commissions for the right architect.

## USING PLANKS AND BEAMS

Mr. Meem's houses, photographed by Ansel Adams and Laura Gilpin, contemporaries he hired to record his work, physically embody the Santa Fe fantasy. They have mellowed beyond preciousness and are almost excruciatingly civilized. From chunky wooden chan-

deliers made from church beams to rustic plank flooring, they are distinctive for their understated but abundant use of ornament, much of it adapted from graphic pueblo and Spanish designs.

In one living room, for instance, Mr. Meem designed a herringbone-pattern ceiling using vigas (unmilled ceiling beams in the natural shape of a tree) and latillas (golden-colored aspen poles stripped of their bark). Lowly details like mirror frames and radiator covers were excuses for handcrafted stamped-tin motifs drawn from Indian and Spanish sources. Mr. Meem's sense of graciousness also led him to lavish attention on hallways and other forgotten household spaces.

A number of Mr. Meem's best clients were collectors who scoured the countryside for church beams and other antique architectural details. Amelia Hollenback, who spent the autumn months in Santa Fe to attend Indian ceremonial dances, was an astute and voracious collector.

"It's lots of fun," she wrote Mr. Meem of her shopping sprees while her house was being planned. "I wish we were building a village."

## PRIZE DOORS

Completed in 1932, her house was the apotheosis of the genre, a "domestic cloisters for the Southwest," in Mr. Wilson's words. Like many of Mr. Meem's houses, it has intentionally wobbly silhouettes and rounded corners, giving the impression of having been eroded over time.

The size of the rooms was dictated by the dimensions of the old beams Miss Hollenback collected. Among her prizes, seamlessly incorporated into the architecture, are a large number of Spanish colonial doors, carved beams from Acoma and Gran Quivira, a historic pueblo site, and a rare carved portal beam from 1828 decorated with hex signs and archaic Spanish writing.

"Amelia was out collecting the things that everyone else was throwing away," said Mary Jean Cook, who now owns the 15-room house with her husband Dr. Edward S. Cook. "Meem listened to her ideas and thank God he did."

The Cooks purchased the house, which was hardly used after its completion, in 1971. For the last 13 years, Mrs. Cook, a musician and historian, has been working on a book on Miss Hollenback, who has become something of an alter ego. Miss Hollenback left some 6,000 photographs in a trunk, and her ballgown still hangs in the closet. Mrs. Cook carries her briefcase, the Cooks' cat is named Amelia Hollenback.

Much to Mrs. Cook's delight, Miss Hollenback kept detailed records of both the building process and her collection, noting on a tag the date and origin of each piece. Mrs. Cook is so committed to retaining the original feeling of the house that she does the mud work on the portales walls and fireplaces herself, based on Mr. Meem's own "recipe."

Many owners of Meem houses seem to share this maternal, curatorial feeling. "My philosophy is, don't monkey with it," said Dr. Orville Linck, a retired English professor, who lives in a small Meem house on Delgado Lane. "It's the livability of the place. You get into it, and it's a part of you."•

## BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the first budget scorekeeping report for the 2d session

of the 102d Congress, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending exceeds the budget resolution by \$3.7 billion in budget authority and by \$3.2 billion in outlays. Current level is \$3.0 billion above the revenue target in 1992 and \$3.5 billion above the revenue target over the 5 years, 1992-96.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$351.5 billion, \$0.3 billion above the maximum deficit amount for 1992 of \$351.2 billion.

The report follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, January 22, 1992.

Hon. JIM SASSER,  
Chairman, Committee on the Budget, U.S. Senate,  
Washington, DC.

DEAR MR. CHAIRMAN: The attached report, my first for the 2nd session of the 102nd Congress, shows the effects of Congressional action on the budget for fiscal year 1992 and is current through January 21, 1992. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Sincerely,

ROBERT D. REISCHAUER,  
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE,  
102D CONG., 2D SESS., AS OF JAN. 21, 1992  
(In billions of dollars)

	Budget resolution (H. Con. Res. 121)	Current level <sup>1</sup>	Current level +/- resolution
On-budget:			
Budget authority	1,270.6	1,274.3	+3.7
Outlays	1,201.6	1,204.8	+3.2
Revenues:			
1992	850.4	853.4	+3.0
1992-96	4,832.0	4,835.5	+3.5
Maximum deficit amount	351.2	351.5	+3
Debt subject to limit	3,982.2	3,693.1	-289.1
Off-budget:			
Social Security outlays:			
1992	246.8	246.8	.....
1992-96	1,331.5	1,331.5	.....
Social Security revenues:			
1992	318.8	318.8	.....
1992-96	1,803.3	1,830.3	.....

<sup>1</sup> Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS JAN. 21, 1992

	Budget authority	Outlays	Revenues
ENACTED PRIOR TO 102D CONGRESS			
Revenues			850,405
Permanent appropriations	784,740	723,462	
Outlays from prior year appropriations	0	234,906	
Offsetting receipts	(186,675)	(186,675)	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS JAN. 21, 1992—Continued

	Budget authority	Outlays	Revenues
ENACTED 1ST SESSION			
Appropriation legislation:			
Agriculture (Public Law 102-142)	51,219	36,382	.....
Commerce-Justice (Public Law 102-140)	21,425	16,016	.....
Offsetting receipts	(119)	(119)	.....
Defense (Public Law 102-172)	269,911	176,492	.....
District of Columbia (Public Law 102-111)	700	690	.....
Energy and water (Public Law 102-104)	21,875	12,961	.....
Interior (Public Law 102-154)	12,466	8,098	.....
Labor, HHS, Education (Public Law 102-170)	183,044	146,857	.....
Offsetting receipts	(39,658)	(39,658)	.....
Legislative branch (Public Law 102-90)	2,309	2,063	.....
Military construction (Public Law 102-136)	8,563	2,931	.....
Transportation (Public Law 102-143)	14,302	12,217	.....
Treasury-Financial Service (Public Law 102-141)	19,695	17,027	.....
Offsetting receipts	(6,079)	(6,079)	.....
Veterans, HUD (Public Law 102-139)	80,941	42,469	.....
Emergency supplemental for humanitarian assistance (Public Law 102-55)	.....	(1)	.....
Disaster relief supplemental appropriations, 1991 (Public Law 102-27)	.....	511	.....
Disaster relief supplemental appropriations, 1992 (Public Law 102-229)	113	(154)	.....
Other spending legislation:			
Extending IRS deadline for Desert Storm troops (Public Law 102-2)	.....	.....	(5)
Veterans' education, employment and training amendments (Public Law 102-16)	2	2	.....
Higher education technical amendments (Public Law 102-26)	(56)	(56)	.....
Veterans' Health Care Personnel Act (Public Law 102-40)	.....	(1)	.....
Veterans' housing and memorial affairs (Public Law 102-54)	.....	5	.....
Veterans' Benefits Improvement Act (Public Law 102-86)	3	3	.....
Intelligence Authorization Act, fiscal year 1991 (Public Law 102-88)	(1)	(1)	(1)
Veterans' educational assistance amendments (Public Law 102-127)	.....	(1)	.....
Extend most-favored-nation status to Bulgaria (Public Law 102-158)	.....	.....	(2)
Unemployment compensation (Public Law 102-164)	3,825	3,825	2,600
Provide MFN status to Czechoslovakia and Hungary (Public Law 102-182)	505	505	(17)
Intelligence Authorization Act, fiscal year 1992 (Public Law 102-183)	(1)	(1)	.....
Defense Authorization Act (Public Law 102-190)	.....	(7)	.....
Extend MFN status to the Soviet Union (Public Law 102-197)	.....	.....	(22)
James Madison Memorial Act (Public Law 102-221)	.....	(1)	.....
Tax Extension Act (Public Law 102-227)	.....	.....	405
San Carlos Indian Irrigation Project Divestiture Act (Public Law 102-231)	(2)	(2)	.....
RTC Refinancing Act (Public Law 102-233)	25	25	.....
Food, Agriculture, Conservation and Trade Act amendments (Public Law 102-237)	(2)	(2)	.....
Intermodal Surface Transportation Efficiency Act (Public Law 102-240)	18,514	(590)	.....
Coast Guard authorization (Public Law 102-241)	(1)	(1)	.....
Deposit Insurance Reform and Protection Act (Public Law 102-242)	3	3	.....

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS JAN. 21, 1992—Continued

	Budget authority	Outlays	Revenues
Discretionary estimating adjustment	(233)	(5,823)	.....
Total appropriation and other spending legislation	663,291	426,591	2,959
CONTINUING RESOLUTION AUTHORITY PUBLIC LAW 102-145			
Foreign Operations (expires March 31, 1992)	14,034	5,496	.....
Offsetting receipts	(41)	(41)	.....
Total continuing resolution authority	13,992	5,454	.....
MANDATORY ADJUSTMENTS			
Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution	(1,041)	1,105	.....
ENACTED 2D SESSION			
Total current level	1,274,306	1,204,844	853,364
Total budget resolution	1,270,612	1,201,600	850,400
Amount remaining:			
Over budget resolution	3,694	3,244	2,964
Under budget resolution	.....	.....	.....
<sup>1</sup> Less than \$500.			
Note.—Numbers may not add due to rounding.			

CATHOLIC SCHOOLS WEEK

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to our Catholic schools. For it is during the week of January 26 through February 1, 1992 that Catholic schools throughout the United States celebrate Catholic Schools Week. A whole host of events, activities, and presentations are planned for this annual observance of the important role that Catholic elementary and secondary schools play in educating America's young people. Catholic Schools Week also observes the high standard of excellence and the quality of education available in the United States to all students, regardless of race, creed, color, or gender in our Catholic schools.

The theme for Catholic Schools Week this year is: Discover Catholic Schools. This theme was chosen to encourage parents, Catholic and non-Catholic alike, to learn more about their local Catholic schools. Catholic schools emphasize values-added education and academic excellence. Values-added education means emphasis on academic instruction and achievement, exceptionally dedicated teachers, hard-working students, and parental involvement in the whole process.

Catholic schools across the country will observe their week with special liturgies; oratory, vocal, and instrumental performances for parents and grandparents; school fairs; painting and drawing exhibits; academic games; and community service programs.

The discovery of Catholic schools challenges the community to learn more about what makes Catholic schools unique. As we focus in on



Catholic schools during Catholic Schools Week we find that there are more and more things to celebrate about Catholic schools. It is in the spirit of this wonderful celebration that I wish to recognize and pay tribute to Catholic Schools Week.●

#### EXPLANATION FOR ABSENCE

● Mr. DECONCINI. Mr. President, I would like to explain why I was not present for votes on the Neighborhood Schools Improvement Act, S. 2, that occurred subsequent to the Cochran amendment. A longstanding family commitment required me to leave Washington shortly after noon in order to be in Arizona for this family occasion. I regret having to miss any Senate votes. Had it not been an extremely important family event, I certainly would not have left Washington knowing I might miss one or more votes on this extremely important legislation.●

#### NINETEENTH ANNUAL THEODORE ROOSEVELT DINNER, NASSAU COUNTY COUNCIL, BOY SCOUTS OF AMERICA

● Mr. D'AMATO. Mr. President, it is with great pride that I rise today to recognize some outstanding individuals who are honorees at the 19th annual Theodore Roosevelt Dinner on Friday, January 24, 1992, presented by the Nassau County Council of the Boy Scouts of America.

Three individuals will be inducted into the 1991 class of Rough Riders. The Rough Riders are elected for their extensive accomplishments and commitments to public service and Long Island's youth. This year's inductees are Thomas V. Powderly, Joan Gittelsohn, and Morris Danon.

Thomas V. Powderly is president and chief operating officer of Fidelity New York, a major Long Island bank with 19 branches spanning Long Island and Manhattan. Mr. Powderly is widely known as a competitive athlete and marathoner and has been a strong supporter of, and champion for, Long Island's youth.

Joan Gittelsohn, a certified financial planner and registered investment advisor is owner of her own consulting company in Garden City, NY. Ms. Gittelsohn has previously been honored by the Nassau County Council of the Boy Scouts of America in 1989 when she received the Community Service Award.

Morris Danon is an executive vice president of National Westminster Bank USA. Mr. Danon is an active member of many civic and charitable organizations, including his position as a board member of the Nassau County Boy Scouts.

These three outstanding individuals are being recognized for their dedication and commitment to the youth of

Nassau County. Scouting provides our youth the best possible preparation for life and it is because of the dedication of special individuals such as Thomas V. Powderly, Joan Gittelsohn, and Morris Danon that the great tradition of Scouting continues today.

Another individual, Thomas Dixon Lovely, is the recipient of the Scout's highest national honor. He is the recipient of the coveted Silver Beaver Award. Thomas Dixon Lovely is chairman of the board and chief executive officer of Fidelity New York, Long Island's oldest federally chartered savings institution. Mr. Lovely hails from a whole Scouting family. His father was district commissioner of Scouting in Queens and received the Silver Beaver Award also. Both of Mr. Dixon's sons have achieved Eagle Scout rank in their Garden City troop.

Also, special thanks go to Herbert J. Brauer for his years of support to the Scouts. He is recipient of the Service to Scouting Award. Mr. Brauer was a managing director, recently retired from Manufacturers Hanover. In November 1987, he was inducted into the Teddy Roosevelt Rough Riders by the Nassau County Council Boy Scouts of America. This award was established to pay tribute to those who most emulate Teddy Roosevelt.

To these five very special honorees and the many others who dedicate their time, energy, and resources to the Boy Scouts of America, I salute you. Thank you for all you have done to help our youth develop character, citizenship, and fitness. Please accept my best wishes for continued success.●

#### AID TO THE FORMER U.S.S.R.

● Ms. MIKULSKI. Mr. President, I believe that there is a real danger of overreacting to the crisis in the Soviet Union and wasting United States tax dollars in a well-intentioned but misguided aid program.

In view of the current discussions on the content and delivery of aid to the former Soviet Republics, I would like to suggest a few principles which the United States and other donor nations should follow.

I agree with the basic principle of United States policy—that it is in our best interest to keep Russia and the other republics on the path toward democracy and free markets. We certainly do not want a reactionary return to the bad old days when our governments competed to outspend each other on arms—sending their respective economies into a tailspin—when there was a constant threat of direct military action against one another and when the two superpowers fought proxy wars in Third World countries. If some assistance to the former U.S.S.R. brings it into the sphere of friendly, Western democracies, then that would be a good investment for our country.

We also have a humanitarian interest in avoiding mass suffering, even starvation, in a country facing a difficult and troubled transition.

That said, however, I believe we should follow these guidelines:

No cash to the new Republics. We do not have cash to spare, and it would be difficult to track that sort of aid to make sure it is used for legitimate purposes. The United States Government should invest in United States industry, not Russian.

No loans or loan guarantees. The republics do not have the ability to repay new loans and will not for a long time. The United States could find itself taking a huge loss in the event of a default. That is why I voted against agricultural credits last year.

Send surplus agricultural commodities. We are blessed with an abundance of food in this country and can use it to ease the suffering of the Soviet people without significant expense.

Send technical assistance. We are also blessed with intelligent, experienced personnel who can help the Soviets understand how our market system works and aid the transition to a Western system.

Get something in return for our aid. Require that the Soviets dismantle their nuclear weapons. Make sure republics abide by military treaties. Insist on human rights standards as a condition for aid. Use the prospect of aid to push for rapid reforms.

Either distribute the aid ourselves or monitor its distribution very, very closely. There is no dependable storage and distribution system in the new Republics, and there are already horror stories of aid disappearing into the hands of black marketeers. A shipment of food and medicine from a group in Wisconsin was recently unloaded on the docks of St. Petersburg and promptly disappeared. Aid packages arrive at their destinations a bit lighter than they started out because local officials have helped themselves to some of the contents. We should not put our aid into the hands of the same corrupt comrades that ruined the U.S.S.R.

Make sure that other countries help shoulder the burden. Some European governments have already instituted aid programs; other developed countries will stand back and wait for us to do the dirty work.

Coordinate aid with other donors. This will help get the most from any assistance and avoid duplication of effort. The administration was right to convene the current conference in Washington for this purpose.

Design our assistance program to benefit U.S. firms and create U.S. jobs. If we do send direct aid, we should require that the recipients use it to buy U.S. goods and services. Assistance should pass through U.S. ports on U.S. ships with U.S. crews. We should also establish U.S.-style institutions—stock

markets, standards and measurements, administrative structures—that will make it easy for U.S. firms to do business in the new markets. This will enhance our own economy in the long run.

What I am advocating is hard-headed humanitarianism.

Now that President Bush has submitted his plan for the former Soviet republics, I urge the Congress not to jump immediately on the bandwagon but to insist on a clear plan, full accountability, and a fair return on U.S. aid and investment.●

#### ORDERS FOR MONDAY, JANUARY 27, 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 3 p.m. on Monday, January 27, the Senate proceed to the consideration of S. 12, the cable television regulatory reform bill; that it be for the sole purpose of Senators making opening remarks on the legislation and that no amendments or motions may be proposed with respect to that legislation on Monday, January 27.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, what this means is that we will proceed to the cable television regulatory reform bill at 3 o'clock on Monday for the purpose of opening statements only.

Under the agreement previously obtained with respect to the education bill, all amendments will have been offered to the education bill that will be in order. If there is further debate remaining on those amendments and the managers are agreeable, we could return to further debate on those amendments Monday, although there will be no amendments offered after 3 p.m. on Monday. That is an effort to accommodate Senators who may offer amendments on Monday and feel that they have not had sufficient time to debate them. There will be no amendments offered after that time.

So, then the votes on these amendments will occur on Tuesday under the previous order. So that, all amendments to the education bill must be offered tomorrow or by 3 p.m. on Monday. Any amendment on the list not then offered will not be in order.

At 3 p.m. we will go to the cable bill for purposes of opening statements, laying the bill down. After that is completed, if there is further debate requested on the education bill on an amendment which will have previously been offered, that will be possible at that time and the managers will work that out in an effort to accommodate any Senator's schedule and interest.

Mr. WELLSTONE. Could I ask the leader a question?

The PRESIDING OFFICER. The majority leader controls the time.

Mr. MITCHELL. I yield to the Senator for a question.

Mr. WELLSTONE. Mr. President, would the majority leader be willing to schedule 5 minutes between those votes on Tuesday so that we could have a chance just to summarize very briefly the amendment?

Mr. MITCHELL. I am not able to gain unanimous consent of that request now because it has to be cleared.

Mr. WELLSTONE. I am sorry.

Mr. MITCHELL. I will certainly take that up with the managers and the distinguished Republican leader to make every effort to achieve that.

Mr. WELLSTONE. I thank the Senator.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. WELLSTONE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, January 24; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein; that Senators BENTSEN and PRESSLER be recognized

for up to 10 minutes each; and that at 10 a.m., Friday, the Senate resume consideration of S. 2 with the pending amendment the Nickles amendment No. 1479.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS UNTIL 9:30 A.M. TOMORROW

Mr. WELLSTONE. Mr. President, if there is no further business to come before the Senate I now, on behalf of the majority leader, ask unanimous consent that the Senate stand in recess as under the previous order until 9:30 a.m., Friday, January 24.

There being no objection, the Senate, at 9:34 p.m., recessed until Friday, January 24, 1992, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate January 23, 1992:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE GENERAL ADVISORY COMMITTEE OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY:

ANNE ARMSTRONG, OF TEXAS, VICE HARRIET FAST

SCOTT, RESIGNED.

JAMES ALAN ABRAHAMSON, OF CALIFORNIA, VICE

ROBERT B. HOTZ, RESIGNED.

HAROLD M. AGNEW, OF CALIFORNIA, VICE JOHN P.

ROCHE, RESIGNED.

JUAN A. BENITEZ, OF IDAHO, VICE JAIME OAXACA, RE-

SIGNED.

JAMES H. BINNS, JR., OF PENNSYLVANIA, VICE

FRANCIS P. HOEBER, RESIGNED.

GEORGE A. CARVER, JR., OF VIRGINIA, VICE CHARLES

BURTON MARSHALL, RESIGNED.

MARJORIE S. HOLT, OF MARYLAND. (REAPPOINTMENT)

MARINE CORPS

THE FOLLOWING-NAMED BRIGADIER GENERAL OF THE

U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE

PERMANENT GRADE OF MAJOR GENERAL, UNDER THE

PROVISIONS OF TITLE 10, UNITED STATES CODE, SEC-

TION 5912:

JOHN T. COYNE

#### CONFIRMATION

Executive nomination confirmed by the Senate January 23, 1992:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

KENNY JACKSON WILLIAMS, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 1996.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.